



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

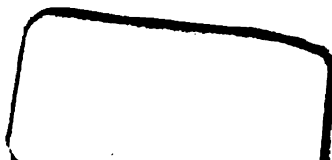
About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

UNIVERSITY OF VIRGINIA LIBRARY



X030229956



Timberland, Ebenezer

THE
HISTORY and PROCEEDINGS
OF THE
HOUSE of LORDS,
FROM THE
RESTORATION in 1660,
TO THE
PRESENT TIME.

CONTAINING,
The most Remarkable MOTIONS, SPEECHES,
DEBATES, ORDERS and RESOLUTIONS.

Together with all the PROTESTS during that Period.

AND THE
Numbers *Pro* and *Con* upon each Division.

WITH
An Account of the Promotions of the several PEERS, and
the State of the PEERAGE in every Reign.

Connected with the Transactions of the COMMONS,
and HISTORY of the TIMES.

AND
Illustrated with HISTORICAL NOTES and OBSERVATIONS.

To each VOLUME are added proper INDEXES.

VOLUME the SEVENTH, from 1739, to 1741.

L O N D O N:

Printed for EBENEZER TIMBERLAND, in *Ship-Yard, Temple-Bar,*
and sold by the Bookfellers in Town and Country: 1742.

.JN

643

1660-1742

093707

V.T.

C O N T E N T S.

From *March* 19, 1739, to *April* 25, 1741.

THE Earl of *Abington's* Speech, *Page* 409. The Duke of *Newcastle's* Speech, *ib.* The Earl of *Chesterfield's* Speech, *p.* 413. Lord *Hervey's* Speech, *p.* 398. Earl of *Abington's* Speech, *p.* 404. Division upon the Question, *p.* 409. His Majesty's Speech at the Close of the Session, *ib.* King's Speech, *p.* 410. Debate upon the Address, *p.* 413. Duke of *Argyle's* Speech, *ib.* Motion, *p.* 418. Lord *Bathurst's* Speech, *ib.* Lord *Haverham's* Speech, *p.* 419. and Motion, *p.* 421. Lord *Hyndford's* Speech, *ib.* Explications of the two Motions, by the Lord Chancellor, and Lord *Talbot*, *p.* 424. Lord *Carteret's* Speech, *p.* 425. Duke of *Newcastle's* Speech, *p.* 437. Earl of *Chesterfield's* Speech, *p.* 446. The Earl of *Cholmondeley's* Speech, *p.* 454. Duke of *Argyle's* Speech, *p.* 459. Lord Chancellor's Speech, *p.* 466. Lord *Carteret's* Speech, *p.* 470. Lord *Hervey's* Speech, *p.* 476. Lord *Bathurst's* Speech, *p.* 477. Lord *Gower's* Speech, *p.* 479. Division on the previous Question, *p.* 480. Protest thereon, *ib.* An Amendment proposed and rejected, *p.* 482. Protest thereon, *ib.* Address of Thanks, *ib.* His Majesty's Answer, *p.* 484. Lord *Bathurst's* Speech, *ib.* and Motion for an Address for the Orders, &c. given to Admiral *Vernon*, *p.* 489. Duke of *Newcastle's* Speech, *ib.* Lord *Carteret's* Speech, *p.* 497. Earl of *Isle's* Speech, *p.* 506. Earl of *Chesterfield's* Speech, *p.* 511. Lord *Hervey's* Speech, *p.* 517. Earl of *Hallifax's* Speech, *p.* 522. Division on the Question, *p.* 530. Lord *Bathurst* moves for an Address that Admiral *Vernon's* Letters to the Lords of the Admiralty may be laid before the House, *ib.* Debate thereon, *p.* 534. Lord Chancellor's Speech, *ib.* Moves for an Amendment, *p.* 536. Duke of *Argyle's* Speech, *ib.* The Amendment carry'd, *p.* 540. Protest on the first Motion, *ib.* Another on the Amendment made to the second, *p.* 542. Earl of *Sandwich's* Speech, *ib.* In which he moves for Admiral *Haddock's* Instructions, *p.* 547. Seconded by the Earl of *Hallifax*, *ib.* Duke of *Newcastle's* Speech, *ib.* Lord *Bathurst's* Speech, *p.* 554. Earl of *Cholmondeley's* Speech,

The CONTENTS.

Speech, p. 562. Duke of *Argyle's* Speech, p. 567. Lord Chancellor's Speech, p. 577. Earl of *Chesterfield's* Speech, p. 583. Lord *Hervey's* Speech, p. 591. Lord *Carteret's* Speech, p. 597. The Question carry'd in the Negative, p. 604. Protest thereon, p. 605. Debate on the Army, p. 607. Duke of *Argyle's* Speech, *ib.* In which he moves, that augmenting the Army by new Regiments is dangerous, p. 615. Duke of *Newcastle's* Speech, *ib.* Lord *Carteret's* Speech, p. 616. Earl of *Cholmondeley's* Speech, p. 617. Altercations between the Duke of *Argyle* and the said noble Lord, p. 618, 619. Earl of *Westmoreland's* Speech, p. 619. Lord *Hervey's* Speech, p. 620. Lord *Talbot's* Speech, p. 621. Lord Chancellor's Speech, p. 623. Lord *Carteret's* Speech, p. 627. The Motion rejected, p. 630. Protest thereon, p. 631. Motion for Admiral *Vernon's* Representations for more Ships, &c. rejected, and Protest thereon, p. 632. Motion for a Secret Committee rejected, and Protest thereon, p. 633. Motion for an Address against the Augmentation of the Army rejected, and Protest thereon, p. 634. Motion for all Papers, &c. relating to the Convention rejected, p. 638. Protest thereon, p. 639. Debate on the Motion for removing Sir *Robert Walpole*, p. 641. Lord *Carteret's* Speech, *ib.* Duke of *Newcastle's* Speech, p. 662. The Duke of *Argyle's* Speech, p. 675. Lord Chancellor's Speech, p. 694. Lord *Bathurst's* Speech, p. 705. Division upon the Question, and Protest thereon, p. 726. The Duke of *Marlborough's* Speech, p. 728. And Motion for an indirect Censure, p. 729. The Duke of *Devonshire's* Speech, *ib.* The Lord *Lovel's* Speech, *ib.* The Lord *Gower's* Speech, p. 730. The Earl of *Hallifax's* Speech, *ib.* The Lord *Talbot's* Speech, p. 731. The Earl of *Cholmondeley's* Speech, *ib.* Lord *Talbot's* Reply, p. 732. The Earl of *Abingdon's* Speech, *ib.* The Lord *Carteret's* Speech, p. 733. Division on the previous Question, and Protest thereon, *ib.* A List of the Lords for and against the Address, p. 734. Protest on rejecting the Place Bill, *ib.* Protest on the Mutiny and Desertion Bill, p. 737.

The HISTORY and PROCEEDINGS of the HOUSE of LORDS, with the DEBATES and PROTESTS therein.

The Earl of Abingdon.



Y Lords, I rise up only to take Notice, that Ann. 12 Geo. II.
I am surprized to hear this Bill represented 1739.
as a Restraint upon the Crown, with regard
to its Power of rewarding Merit. Can the
Publication, or open Declaration of such a
Reward, be any Restraint either upon the

The Earl of
Abingdon.

Giver or Receiver? My Lords, when the Reward is given for real and honourable Services, the Publication of it adds Honour both to the Giver and Receiver; and, therefore, I am convinced, that neither the Giver nor Receiver will ever desire to have the Gratuity concealed, but when it is given for some infamous Piece of Service; and if this Bill should be a Restraint upon the Power of giving Rewards for such Services, I hope, no Lord will say, it ought to be an Objection to the Bill. For my Part, I am so far from thinking it wrong, to oblige the Members of the other House to give an Account publicly of the Rewards and Gratuities they receive from the Crown, that I wish we had a Law for obliging every Man in the Kingdom to do the same. It would be so far from lessening, that it would render the Favours of the Crown more honourable than they ever can otherwise be. We have a noble Duke amongst us, who now possesses an Estate that was given by the Crown to his Ancestor, with the Consent of both Houses of Parliament, and with the Approbation, I am sure, of a great Majority of the Nation. It was a Reward given for real and great Services; and the giving it in this public Manner, will be a lasting Honour to the Man that received it, to the Queen that gave it, and to the Nation that approved of it.

The Duke of Newcastle.

My Lords, as one of the greatest Grievances a Society can be plagued with, is a Multiplicity of unnecessary, ineffectual, and inconvenient Laws, when we are to give our Consent to the passing of a new Law, for remedying a Grievance already felt, or preventing one that is foreseen, we ought to consider maturely, whether the Law proposed be necessary, whether it will be effectual, and what Inconveniencies it may be attended with: In these three several Lights I have considered the Bill now before us; and the Result in every one of them, so far as I can judge;

Ann. 13 Geo. II. 1739. is no Way favourable for the Bill. With regard to the Necessity of it, I must observe, that no Bill for preventing a Grievance, can be so necessary as one brought in for remedying a Grievance; and, therefore, a Bill of the former Sort, before it can merit our Approbation, as to the Necessity of it, ought to stand unimpeached as to the two other Heads. It cannot be said, that the Bill now under our Consideration is a Bill for remedying a Grievance already felt. We have before us no Proof of there being at present any one Pensioner or bribed Person in the House of Commons. No such Fact has been asserted even by the warmest Advocates for this Bill, nor is there so much as an Insinuation of it in any Part of the Preamble. The Bill, therefore, is intended for preventing a Grievance, or a Danger, which some amongst us pretend to foresee; and the Necessity for the Bill must be in Proportion to the Perspicuity and Certainty of that Foresight.

Now, my Lords, for my own Part, I must confess, the Danger pretended to be apprehended, is to me neither perspicuous nor certain. My foreseeing Faculty may, perhaps, be less extensive than that of others; but whilst the Members of the other House are, for the most Part, Gentlemen of the best Families and Fortunes in the Kingdom, as they now are, and, I think, must always be, I can never think our Constitution in any Danger from Corruption; because it is upon our Constitution their Estates and Families depend; and it cannot be supposed, that a Gentleman of a large Estate and antient Family, will consent to render both precarious, by putting an End to our Constitution, for the Sake of any Pension or Bribe, it is even now in the Power of the Crown to bestow; especially when he considers, that even his Pension must cease, or the Possessing of his Bribe will become precarious, as soon as our Constitution is destroyed. For this Reason, suppose we should fall under the Misfortune of having a Prince upon the Throne, that formed Projects against our Liberties, yet, I cannot think, it would be in the Power of that Prince, to render his Projects successful, by bribing the Members of the other House, unless he should first turn out of it, most of those who have any Estates of their own to depend on; and I cannot see how this is possible, considering the Methods prescribed by our Constitution, for a Gentleman's acquiring and preserving a Right to sit in that House. The Danger pretended to be apprehended, is, therefore, so far from being foreseen by me, that I do not think it possible for us to fall into any such, and, consequently, I must think the Bill quite unnecessary.

Then, my Lords, as to its being effectual: Can any one suppose, that a Man who is wicked enough to sell his Country for a Bribe, would have any Regard for Perjury? Can it be supposed, that he would refuse to take the Oath prescribed by this Bill, or that he would, in the least, boggle at denying, upon Oath, his having ever received any Pension, Re- ward

Reward, or Gratuity from the Crown? Such a Man will always stand more in Awe of a Penalty, than of any Oath you can invent; and the Penalties of Perjury can be no more terrible to him, than equal Penalties which may be inflicted by Law, without interposing the sacred Solemnity of an Oath. It will always be as difficult to prove the Perjury, as to prove the Bribery; because the latter Crime must be proved, before the Criminal can be convicted of the former; and, therefore, if the Secrecy of the Crime be an Encouragement for Men to be guilty of Corruption, it will be an equal Encouragement for their being guilty of Perjury, by denying their Corruption upon Oath. From hence, I think, it is apparent, that the Bill now before us may occasion a great deal of Perjury, without having the least Effect, as to preventing the Danger we may be in from Corruption.

This, of occasioning frequent Perjuries, and thereby rendering the Crime familiar and frequent in other Cases as well as this, will, in my Opinion, be a most certain, and a most fatal Consequence of passing the Bill now before us into a Law; but this, my Lords, is far from being the only Inconvenience it will be attended with. If this Bill, however amended, should be passed into a Law, it will be attended with so many, and such dangerous Inconveniencies, that nothing, I think, but the utmost Necessity should prevail with us to agree to it. Suppose a Gentleman should be candid enough to declare to the other House any Gratuity or Reward he receives from the Crown, can any one tell what such an Assembly may do upon such a Declaration? They may, thereupon, vote him guilty of Bribery, and not only expel him, but commit him to *Newgate*, and address his Majesty to order his Attorney-General to prosecute him. In this Case, no Merit, no public Service would be admitted as an Excuse: Even Admiral *Vernon* himself might be treated in this Manner, notwithstanding his great Services, if he happened to make such a Declaration in a House of Commons that did not like his Face. I shall grant, that the Penalties can be recovered only by a Prosecution at Common Law, and upon such Prosecution the Judge and Jury are not bound to follow the Judgment of the House of Commons; but such a previous Judgment would be of the most dangerous Consequence to the Person accused; for a Judge would be loth to direct the Jury, or determine, contrary to the Judgment of a House of Commons.

Such a Declaration might, therefore, be, in many Cases, of the most fatal Consequence to some of the best and most faithful Servants of the Crown. If a House of Commons should, at any Time, become factious, and that such a Thing may happen, will not, I believe, be denied, the ablest and most faithful Servants of the Crown would be in the greatest Dan-

Ann. 13 Geo. II.

1739.

ger, if they happen'd to be Members of the other House. Nay, such a Declaration might be of the most dangerous Consequence to some of your Lordships; for if any Member of the other House should receive a well-merited Reward from the Crown, and should declare it to the House, as he would be obliged to do, should this Bill be passed into a Law, they might first vote it Bribery, and then enquire who it was that gave it, or advised giving it; and if, upon such Enquiry, it should appear, that any of your Lordships had been concerned in giving or advising it, they might, and would, probably, make it a Ground of Impeachment against that Lord who had conveyed, or advised giving, what they had voted to be a corrupt Gratuity or Reward.

Thus, my Lords, the Bill now before us, should it pass into a Law, might be made a Handle for oppressing the best Servants of the Crown, and, on the other hand, it may become a Screen for Pensioners and corrupted Members; for, by this Bill, the other House is not obliged to remove a Pensioner, even after he has declared that he is so; and if a Majority of them were Pensioners, it is not to be supposed, they would remove any Man for having a Pension. Some Excuse would be found for the most corrupt Reward that could be given, for the most flagrant Bribery that could be made use of. The most notorious Pensioner would regularly declare every Year to the House, that he had received such a Sum of Money from the Crown, as a Reward for some supposed public Services, and the House would, every Year, declare it to be no Pension, but a proper and just Reward. This would, of course, prevent any Member's being prosecuted for sitting and voting in that House, after having a Pension settled upon him by the Crown; for no private Man would venture to prosecute, after a House of Commons had declared, that there was no Ground for such a Prosecution; and thus the Bill, now under our Consideration, instead of enforcing, would invalidate the Laws we have now in being, for preventing Pensioners from having Seats in the House of Commons.

I think I have now shewn, my Lords, that this Bill is unnecessary, that it will be ineffectual, and that it will be attended with many and great Inconveniencies. These are the Lights in which it appears to me, and no Lord that views it in the same Light, can, I think, give his Consent to the passing it into a Law. As for the Effect, our rejecting it may have upon the People without Doors, I am extremely easy about it. I believe, no one will doubt my Affection for our present Royal Family, or my Zeal for their Preservation and Security; but I can never be induced to think, that their Security depends upon our passing unnecessary Laws, and much less upon our passing such a Law as this, which, in my Opinion, would very much diminish the Prerogative of the Crown. The Power of rewarding Merit, without

without the Controul of either House of Parliament, is one of ^{Ann. 13 Geo. II.} the chiefest Prerogatives, and one of the firmeſt Supports of the ^{1739.} Crown ; and as this Power would, by the Bill now before us, ſhould it paſs into a Law, be expoſed to the daily Controul of the Houſe of Commons, I am ſure, no Man that views it in the Light I do, and wiſhes well to the Royal Family, can find Fault with our rejecting it. The Security of our preſent Royal Family depends upon the Preſervation of our Conſtitution in all its Parts. The Liberties and Privileges of the People have, ever ſince the Acceſſion of this Family, remained untouched, unattempted to be encroached on by the Crown ; and in Return, the People ought not, I think, to attempt to encroach upon the Prerogatives of the Crown. It is upon this mutual Juſtice and Moderation, the Preſervation of our Conſtitution depends : It is upon this the Security of our preſent Royal Family depends ; and, therefore, I hope, your Lordſhips will unanimouſly agree, not only in reſuſing this Motion, but in rejecting the Bill.

The Earl of Cheſterfield.

‘ My Lords, it is now ſo late, and ſo much has been ſaid in Favour of the Queſtion, by Lords much abler than I, that I ſhall detain you but a very ſhort While with what I have to ſay upon the Subject. It has been ſaid, by a noble Duke, that this Bill can be look’d on, only as a Bill for preventing a Grievance that is foreſeen, and not as a Bill for remedying a Grievance that is already felt, becauſe it is not aſſerted, nor ſo much as inſinuated in the Preamble of the Bill, that any corrupt Practices are now made uſe of for gaining an undue Influence over the other Houſe. My Lords, this was the very Reaſon for bringing in the Bill : They could not aſſert that any ſuch Practices are now made uſe of, without a Proof ; and the Means for coming at this Proof, is what they want, and what they propoſe to get by this Bill. They ſuſpect there are ſuch Practices, but they cannot prove it : The Crime is of ſuch a ſecret Nature, that it can very ſeldom be proved by Witneſſes ; and, therefore, they want to put it to the Trial, at leaſt, of being proved by the Oath of one of the Parties ; which is a Method often taken in Caſes that can admit of no other Proof. This is, therefore, no Argument of the Grievance’s not being felt ; for a Man may, very ſenſibly, feel a Grievance, and yet may not be able to prove it.

The Earl of Cheſterfield.

That there is a Suſpicion of ſome ſuch Practices being now made uſe of, or that they will ſoon be made uſe of, the many Remonſtrances from all Parts of the united Kingdoms are a ſufficient Proof : That this Suſpicion has crept into the other Houſe, their having ſo frequently ſent up this Bill, is a manifeſt Demonſtration, and a ſtrong Argument for its being neceſſary to have ſome ſuch Bill paſſed into a Law. The other Houſe muſt be allowed

Ann. 13 Geo. II.
1739.

lowed to be better Judges of what passes, or may pass, within their own Walls, than we can pretend to be. It is evident, they suspect, that corrupt Practices have been, or may soon be made use of, for gaining an undue Influence over some of their Members; and they have calculated this Bill for curing the Evil if it is felt, for preventing it if it is only foreseen. That any such Practices have actually been made use of, or are now made use of, is what I shall not pretend to affirm; but, I am sure, I shall not affirm the contrary. If any such are made use of, I will, with Confidence, vindicate his Majesty. I am sure he knows nothing of them. I am sure he would disdain to suffer them; but I cannot pass such a Compliment upon his Ministers, nor upon any Set of Ministers that ever was, or will be, in this Nation; and therefore, I think, I cannot more faithfully, more effectually, serve his present Majesty, as well as his Successors, than by putting it out of the Power of a Minister to gain any corrupt Influence over either House of Parliament. Such an Attempt may be necessary for the Security of the Minister; but can never be necessary for, must always be inconsistent with, the Security of his Master; and the more necessary it is for the Minister's Security, the more inconsistent it will always be with the King's, and the more dangerous to the Liberties of the Nation.

To pretend, my Lords that this Bill diminishes, or any Way encroaches upon the Prerogative, is something very strange. What Prerogative, my Lords? Has the Crown a Prerogative to bribe, to infringe the Laws, by sending its Pensioners into the other House? To say so, is destroying the Credit, the Authority of the Crown, under Pretence of supporting its Prerogative. If his Majesty knew, that any Man received a Pension from him, or any Thing like a Pension, and yet kept his Seat in the other House, he would himself declare it, or withdraw his Pension, because he knows it is against Law. This Bill, therefore, no Way diminishes or encroaches upon the Prerogatives of the Crown, which can never be exercised but for the public Good: It diminishes only the Prerogatives usurped by Ministers, which are never exercised but for its Destruction. The Crown may still reward Merit in the proper Way, that is, openly. The Bill is intended, and can operate only against clandestine Rewards or Gratuities given by Ministers: These are scandalous, and never were, nor will be given but for scandalous Services.

True Generosity, and true Merit, my Lords, delight in Sunshine. It is glorious to reward true Merit, it is glorious to receive the Reward; and, therefore, whoever gives or receives the Reward, will be fond of doing it publicly, and of declaring it openly, without Fear of being impeached of Corruption. When Admiral *Vernon* was a Member of the other House, the Majority was generally against him: They did not then like his Face; and, I believe, if he were still a Member, they would as little
like

like it now ; yet, if he should receive a Reward from the Crown, Ann. 13 Geo. II. that Majority would not, I believe, vote that Reward to be a Bribe. I am sensible, Majorities have sometimes done very extraordinary Things ; but yet, I do not believe, they would do this ; because that Admiral has so well deserved a Reward. He has done with *six* Ships, about 2000 Seamen, and 200 tattered Soldiers from *Jamaica*, what, we were told, could not be done by a large Squadron, and, at least, 8000 Seamen, when our Ships and Sailors lay rotting at the *Bastimento's*. When War was resolved on, he was called from plowing the Ground, to plow the Main ; and as the Service of his Country required Dispatch, he desired but *three* Days to settle his Family-Affairs. In Time of Peace he was never employed : He was even disappointed in his Preferment. The Reason is plain : He was not fit for those Services that entitle our Sea and Land-Captains to Preferment in Time of Peace : He had shewed it, when he was a Member of the other House ; and this, I believe, is the true Reason of his not being a Member now. But if he should be a Member in the next Parliament, as he probably will, if he lives, the passing of this Bill, could no Way prevent his Majesty from rewarding him in any Manner he may then think fit ; nor could his accepting of the Reward subject him to any Inconvenience or Danger.

This Bill can, therefore, no Way affect the Prerogatives of the Crown, or prevent any Man's receiving a just and well-deserved Reward ; which is the only Reward the Crown ought, or has any Title, even from Prerogative, to bestow ; for this Prerogative, like all the other Prerogatives of the Crown, is so far subject to the Controul of Parliament, that, if it be abused, the Parliament may enquire into, and punish the Advisers of that Abuse. As for the Inconveniencies that may arise from the other House's unjustly expelling or imprisoning any of its own Members, or from its screening Pensioners and corrupt Members, they may arise, tho' this Bill be never passed into a Law ; and will more probably arise if it is not, than if it is ; for Injustice of all Kinds, is more to be feared from a corrupt House of Commons, under the Influence of a wicked and insolent Minister, than from the most factious House of Commons that ever appeared, or can appear in this Kingdom ; because the Crown would certainly put an End to the latter, before it could do any Mischief ; but the former will be patronized and continued, as long as the Crown is under the Direction of such a Minister ; or, at least, till that Minister has got it into his Power, to get a new one chosen, as abandoned, and as much under his Influence as the old.

It is very remarkable, my Lords, it is even diverting, to see such a Squeamishness about Perjury upon this Occasion, among those, who, upon other Occasions, have invented and enacted

Multitudes

Multitudes of Oaths, to be taken by Men who are under great Temptations, from their private Interest, to be guilty of Perjury. Is not this the Case of almost every Oath that relates to the Collection of the public Revenue, or to the Exercise of any Office? Is not this Perjury one of the chief Objections made by the Dissenters against the Test and Corporation-Act? And shall we shew a less Concern for the Preservation of our Constitution, than for the Preservation of our Church? The Reverend Bench should be cautious of making use of this Argument; for if they will not allow us an Oath for the Preservation of the former, it may induce many People to think, they ought not to be allowed an Oath for the Preservation of the latter.

By this Time, I hope, my Lord, all the Inconveniencies pretended to arise from this Bill, have vanished; and, therefore, I shall consider some of the Arguments brought to shew, that it is not necessary. Here I must observe, that most of the Arguments made use of for this Purpose, are equally strong for a Repeal of the Laws we have now in being, against admitting Pensioners to sit and vote in the other House. If it be impossible to suppose, that a Gentleman of great Estate, and antient Family, can, by a Pension, be influenced to do what he ought not to do, and if we must suppose that none but such Gentlemen can ever get into the other House, I am sure, the Laws for preventing Pensioners from having Seats in that House, are quite unnecessary, and ought to be repealed. Therefore, if these Arguments prevail with your Lordships to put a Negative upon the present Question, I shall expect to see that Negative followed by a Motion for the Repeal of those Laws: Nay, in a few Sessions, I shall expect to see a Bill brought in, for preventing any Man's being a Member of the other House, but such as have some Place or Pension under the Crown. As an Argument for such a Bill, it must be said, that his Majesty's most faithful Subjects ought to be chosen Members of Parliament, and that those Gentlemen will always be most faithful to the King, that receive the King's Money. I shall grant, my Lords, that such Gentlemen will always be the most faithful, and the most obedient to the Minister; but for this very Reason, I should be for excluding most of them from Parliament. The King's real Interest, however much he may be made by his Minister to mistake it, must always be the same with the People's, but the Minister's Interest is generally distinct from, and often contrary to both; therefore, I shall always be for excluding, as much as possible, from Parliament, every Man who is under the least Inducement to prefer the Interest of the Minister, to that of both King and People; and this I take to be the Case of every Gentleman, let his Estate and Family be what they will, that holds a Pension at the Will of the Minister.

Those

Those who say, they depend so much upon the Honour, *Annals. Geo II.*
 Integrity, and Impartiality of Men of Family and Fortune, *1740.*

seem to think, our Constitution can never be dissolved, as long as we have the Shadow of a Parliament. My Opinion, my Lords, is so very different, that, if ever our Constitution be dissolved, if ever an absolute Monarchy be established in this Kingdom, I am convinced, it will be under that Shadow. Our Constitution consists in the two Houses of Parliament's being a Check upon the Crown, as well as upon one another. If that Check should ever be removed, if the Crown should, by corrupt Means, by Places, Pensions, and Bribes, get the absolute Direction of our two Houses of Parliament, our Constitution will, from that Moment, be destroyed. There would be no Occasion for the Crown to proceed any farther: It would be ridiculous to lay aside the Forms of Parliament; for under that Shadow, our King would be more absolute, and might govern more arbitrarily than he could do without it. A Gentleman of Family and Fortune would not, perhaps, for the Sake of a Pension, agree to lay aside the Forms of Government; because by his venal Service there, he earns his infamous Pension, and could not expect the Continuance of it, if those Forms were laid aside; but a Gentleman of Family and Fortune, may, for the Sake of a Pension, whilst he is in Parliament, approve of the most blundering Measures, consent to the most excessive and useless Grants, enact the most oppressive Laws, pass the most villainous Accounts, acquit the most heinous Criminals, and condemn the most innocent Persons, at the Desire of that Minister who pays him his Pension. And if a Majority of each House of Parliament consisted of such Men, would it not be ridiculous in us to talk of our Constitution, or to say we had any Liberty left?

This Misfortune, this terrible Condition we may be reduced to by Corruption: As brave, as free a People as we, the *Romans*, were reduced to it by the same Means; and to prevent such a horrid Catastrophe, is the Design of this Bill. If it had begun in this House, it might, perhaps, have been look'd on as some Sort of Reflection upon the other; but as it began in the other House, the Reflection will be upon us, if we do not pass it, with proper Clauses for preventing an infamous Pension being given to any of the Members of this House. Your Lordships are not, 'tis true, so much liable to Corruption as the other House: You have great Estates: There are but few amongst us whose hard Fate has not furnished them with an Estate sufficient for supporting their Dignity. But Corruption is infectious, my Lords, if it should get into the other House,

Anno 12. Geo. II. 1740. it is too near us : *Ardet Ucalegon.* The Infection may reach us ; and should Corruption ever enter this House, either to satisfy the imaginary Wants of Luxury, or the insatiable Cravings of Avarice, we shall lose all Character : We shall become entirely useless ; and then, indeed, we ought to be laid aside.

If People would at all think, if they would consider the Consequences of Corruption, there would be no Occasion, my Lords, for making Laws against it. It would appear so horrible, that no Man would allow it to approach him. The Corrupted ought to consider, that they do not sell their Vote or their Country only : These, perhaps, they may disregard ; but they sell, likewise, themselves : They become the Bond-slaves of the Corruptor, who corrupts them, not for their Sakes, but for his own. No Man ever corrupted another, for the Sake of doing him a Service ? and therefore, if People would but consider, they would always reject the Offer with Disdain. But this is not to be expected. The Histories of all Countries, the Histories even of our own Country shew, it is not to be depended on. The proffered Bribe, People think, will satisfy the immediate Cravings of some infamous Appetite ; and this makes them swallow the alluring Bait, tho' the Liberties of their Country, the Happiness of their Posterity, and even their own Liberty, evidently depend upon their refusing it. This makes it necessary, in every free State, to contrive, if possible, effectual Laws against Corruption ; and as the Laws we now have for excluding Pensioners from the other House, are allowed to be ineffectual, we ought to make a Trial, at least, of the Remedy now proposed ; for tho' it should prove ineffectual, it will be attended with this Advantage, that it will put us upon contriving some other Remedy that may be effectual ; and the sooner such a Remedy is contrived and applied, the less Danger we shall be exposed to, of falling into that fatal Distemper, from which no free State, where it has once become general, has ever yet recovered.

Lord Hervey.

My Lords,

Lord Hervey.

The Argument has been already so fully canvassed, and the Bill now under your Lordships Consideration so minutely and so carefully dissected and exposed, that I should have given you no Trouble upon the present Occasion, if I had not observed, that the noble Lords who have spoke in favour of the Bill, have mistaken the Argument now properly under our Consideration, and have, by that Means, drawn the Debate to an immoderate, and a very unnecessary Length. Corruption, my Lords, is such a vile, such a dangerous

dangerous Practice, that no Man will pretend to justify it, or to say that corrupt Pensioners ought not to be excluded from having Seats in either House of Parliament. I am sure no such Thing has been attempted by any Lord who has spoke against this Bill; and therefore, I cannot think there was the least Occasion for any of that Eloquence and Wit, that have been made use of for explaining the Danger and the Deformity of Corruption. The Nature and Consequences of Corruption have nothing to do in this Debate; and, if all that has been said upon that Subject, by Lords who have spoke in Favour of the Bill, had been left out, the real Subject now before us would have been long since exhausted. The Question now before us is not, whether Corruption be a good or a bad Thing, but whether the Methods proposed by this Bill be proper for preventing it; and upon this Question, I must agree with those who think, that they are improper, that they are dangerous, and that they will certainly be found altogether ineffectual.

We have been told, my Lords, that this Bill is intended only as an Enforcement of the Laws now in being for excluding Pensioners from having Seats in the other House; but, if we examine it strictly, I believe, it will be found to reach a great deal farther. I know that by the Laws now in being, every one who has a Pension during Pleasure, or for any Number of Years, either in his own Name, or in the Name of another Person in Whole or in Part for his Benefit, is excluded from having a Seat in the other House; but I do not know that there is, as yet, any Law in being, for excluding those who have either received any deserved Reward or Favour from the Crown, on Account of some eminent Service they have rendered to the Public; and, tho' there are in this Bill no express Words for excluding such Men, yet, in Effect, it gives the other House a Power to exclude them as often as they have a Mind, which is certainly a very great Innovation in our Constitution, and it is a Power that ought not, I think, to be lodged in the other House singly. If it should be thought necessary to exclude all such Men from having Seats in the other House, they ought to be excluded by an express Law for that Purpose, as Pensioners now are; or if it should be thought necessary to subject every Member of the other House that receives any Gratuity or Reward from the Crown, to a Trial, in order to determine whether that Gratuity or Reward ought to be called Corruption, that Trial ought to be by the Laws of his Country, and not by the arbitrary Vote of the other House of Parliament, which will be the certain Consequence of passing this Bill into a Law; for when a

Anno 12. Geo. II.
1740.

Gentleman declares, he has received such a Gratuity or Reward from the Crown, we are not to suppose, the other House will let it rest there, they will certainly take upon them to determine, whether it was given for any public Service, or as a Bribe for his voting in their House; and, in this Case, it is to be feared, they will try the Person much oftner than the Cause.

For this Reason, my Lords, supposing it were necessary to exclude from the other House, or subject to a Trial, every Man that, during his Continuance in that House, shall receive any Gratuity or Reward from the Crown, I think the Method proposed by this Bill, a very improper Method for doing it. But this is far from being the only Impropriety that may be objected against the Bill. The Words Gratuity or Reward are so general, and may be applied to such Trifles, that, in my Opinion, it would be ridiculous to oblige Gentlemen to make a solemn Declaration of every Gratuity or Reward they receive from the Crown. A Horse or a Watch, nay, the least Trifle that can be given by the Crown, may be called a Gratuity; and surely it would be ridiculous to oblige a Gentleman to make a solemn Declaration, before one of the Branches of our Legislature, of his having received such a Trifle from the Crown: Yet, if you pass the Bill with these general Words in it, the Receipt of every such Trifle must be solemnly declared; and what is still worse, even that Trifle may, by a factious House of Commons, be interpreted as a Bribe, and the Receiver expelled as an infamous and corrupt Member.

From these few Remarks, my Lords, the Impropriety of the Methods proposed by this Bill for preventing Corruption must, I think, manifestly appear; and I shall next endeavour to shew, that they may be of the most dangerous Consequence, not only to our Constitution, but to every Gentleman that shall hereafter be a Member of the other House. When a Gentleman has by public Services merited, and the Crown has by a well-judged Gratitude bestowed a just Reward, I hope, even the Terrors of Corruption will not prevail with us to say, that a Gentleman, for receiving such a Reward, ought to be excluded the House of Commons; and yet, if this Bill should pass into a Law, no Gentleman, while he is a Member of the other House, could receive a Reward from the Crown, let his Merit be what it will, without running the Risk of being expelled that House, and loaded with the Infamy of his having betrayed his Country for the Sake of a corrupt Reward from the Crown; for whatever Gratuity or Acknowledgment he receives from the Crown, he must give an Account of it to the House, and then

then he is to stand the Event of a Vote, whether that Gratiuity shall be deemed a Reward from the Crown, for the Services he has rendered the Public, or a Bribe from the Minister for his having approved of his Measures in that House. In this Case, if the Majority of the House, perhaps not half full, should happen to be such as disapproved of the Measures pursued by the Administration, we may easily judge of the Event. The Gentleman, whom I may in this Case, properly call the Criminal, would be condemned, and expelled the House, without having an Opportunity to prove the public Services for which the Reward was given, or to shew the Benefits that had, or might accrue to his Country from those Services. And thus, perhaps, one of the most faithful Servants of the Crown, and one of the most honourable and useful Members of the Commonwealth, might, by Accident, be loaded with the Reproach of being an infamous Betrayer of his Country, for no other Reason, but because the Crown had been grateful enough to acknowledge his Merit, and he so imprudent as to accept of that Acknowledgment, whilst he was a Member of the House of Commons.

Innocence, I shall grant, my Lords, is a great Encouragement, and may give Assurance to a Person accused; but even before the most just, the most impartial, and the most steady Judicature, no Man would chuse to stand a Trial, let his Innocence be never so manifest, let the Proofs he has to depend on be never so clear and convincing; and therefore, if this Bill should pass, I must suppose that no Member of the other House, while he continued so, would be so imprudent as to receive any Reward, or indeed any Favour from the Crown; because, if he did, his own Declaration would be an Accusation against him, upon which he would be obliged to stand his Trial, before a Judicature which, considering the Number of Judges, can never be steady in its Judgments, and in a Case which cannot be thoroughly cleared up by Proofs of any Kind, but must always, in a great Measure, depend upon the Opinion his Judges have of his Innocence and Merit. In such a Case, and before such a Judicature, where no Man can be certain either of the Number or of the Persons of those that are to be his Judges, I am sure no wise Man would run the Risk of exposing himself to a Trial, by accepting of any Reward or Gratiuity from the Crown, while he continued a Member of the other House; and, if the Expectation of an immediate Reward be allowed to be a great Incitement to worthy Actions, as, I believe, it will, it must be allowed, that the passing of this Bill into a Law, would very much discourage

ANNO 12. GEO. II. courage all those who may hereafter be Members of the other House, from endeavouring to serve the Public in any other Capacity, which would very much derogate from the present Character of that Branch of our Legislature, and might at last render it contemptible, or so factious, that it would be impossible to govern the Society according to the Forms prescribed by our Constitution.

1740.

This Bill therefore, my Lords, if it should be passed into a Law, would not only be inconvenient and dangerous to those who may hereafter happen to be Members of the other House, but it would be of the most dangerous Consequence to our Constitution; for, if the Members of the other House were of no Service to their Country, in any Capacity but that of their being Members of one of the Branches of our Legislature, and if they did nothing, as such, but agree to what was proposed by the Ministers of the Crown, which would be the Case under a just and wise Administration, the House itself would become contemptible among the People, and this would make it easy for some future ambitious Prince to overturn our Constitution, by laying that House entirely aside. On the other hand, if a Majority of the Members, in order to recommend themselves to the Notice of their Country, should become factious, and oppose the justest and wisest Measures that could be proposed by the Administration, unless the Complexion of the House could be changed by a new Election, which, considering the Popularity of an Opposition to Court-Measures, would always be extremely precarious, the Constitution would be brought into an Impossibility of existing; for the Crown would be under a Necessity of yielding to the factious Majority in the House of Commons, or of attempting to govern without a Parliament. If in this Attempt the Crown should succeed, our Constitution would be overturned, and an absolute Government established; and late Experience has shewn us, what we are to expect from the Crown's yielding to a turbulent Faction in the other House; for such a Faction would never be satisfied with any reasonable Concession: From one Concession they would aspire to another, till at last they had left the Crown nothing to yield; and thus a Commonwealth would again be established, which of Course would soon deviate into a sole Tyranny, under some one or other of the factious Leaders.

From what I have said, my Lords, I think, it is evident, that the Methods proposed by this Bill for preventing Corruption, are both improper and dangerous. Yet, so great an Enemy am I to Corruption, so fond am I of every Method that may in the least contribute to prevent it, that I should

should agree to the Bill now under our Consideration, if I thought it would have the least Effect. But I am fully convinced, that it will be found altogether ineffectual: I am really surprized, how any Lord can imagine, it will have the least Effect. If we suppose a Man so abandoned to all Virtue and Honour, as to betray his Country for the Sake of a secret Bribe or Pension, upon such a Man can we suppose, that an Oath will have any Effect? Such a Man, my Lords, will receive his Bribe or his Pension, and will, if you desire it, the very next Moment declare upon Oath, he never received any Gratuity or Reward from the Crown. The Infamy of Perjury itself is not near so great, as the Infamy of a Man's betraying that Trust which his Country has reposed in him; and can we suppose, that a Man who despises the latter, will shew the least Regard to the former? In this Case, the Penalties of Perjury will signify nothing; for the Penalties already inflicted by Law upon Pensioners that continue to sit and vote in the other House, are so great, that, I am sure, no Man would run the Risk of incurring them, if he thought there were any Possibility of proving the Crime against him; and where a Man depends solely upon the Impossibility of the Proof, no Penalty can have any Effect; for without a Proof no Penalty can ever be recovered; and therefore, unless we can fall upon a Way of making it easy to find a Proof, I am afraid it will be impossible to prevent committing of the Crime, any other Way than by the Electors always chusing Gentlemen of Virtue and Honour to represent them in Parliament; and whilst they do so, we have no Occasion for any Laws against Corruption.

With regard therefore, my Lords, to the clandestine, the corrupt, and the scandalous Rewards or Gratuities, which may be given by a future Minister to some of the Members of the other House, on account of their voting there according to his Directions, this Bill can have no Effect. It cannot in the least contribute towards preventing such Practices, but, on the contrary, it will in my Opinion, encourage them; because, among the People, it will render the Guilty less liable to be suspected, and the less liable a Man is of being suspected, the more easily he may be tempted to be guilty. The very Oath by this Bill prescribed, he will look upon as a full Vindication in the Eyes of the World; and thus, by his Perjury, he will think he has wip'd off the Infamy at least, if not the Guilt of his Treachery.

My Lords, it is, in my Opinion, one of the worst Arguments that can be made use of in Favour of this Bill to tell us, that we ought to agree to this Remedy till a more
 effectual

ANNO 12. GEO. II.
1740.



effectual one can be found out. If we are in any Danger from Corruption, it would be a most imprudent Step to apply a Remedy which we know to be ineffectual; because, the applying of such a Remedy might lull the Nation asleep, and prevent our thinking how to contrive a Remedy that would really be effectual. A Man labouring under a dangerous Distemper, is apt to hope for great Benefit from every Remedy he takes; and, by putting too much Trust in Lenitives, too often delays thinking of, or applying an effectual Remedy, till his Case becomes incurable. This may be our Fate: By trusting to the Remedy proposed by this Bill, we may be induced to delay contriving or applying any other, till our Case be grown desperate; and therefore, I must be against the Bill for the very same Reason that other Lords seem to be for it—Because I am an utter Enemy to Corruption. I think it one of the most dangerous Distempers a free State can be infected with, and shall always be against applying Lenitives of any Kind. If there be, at present, no such Infection in this State, we have no Occasion for any Sort of Prescription: If we are infected, let us search the Infection to the Root, and at once apply some effectual Remedy; for, I hope, there is no political Infection, for which a Specific may not be found, by a skilful and willing Physician.

Earl of Abingdon.

My Lords,

Earl of Abingdon.

I beg Pardon for troubling your Lordships a second Time upon this Occasion, but I rise up to speak to Order. My Lords, it is against Order to take Notice, in this House, of any Thing that has been, or may be done in the other. We are to do what we think right, without giving ourselves any Trouble about what has been, or may be done in the other House; and yet, I find, the chief Objection made use of against this Bill is, that the other House may make a wrong Use of it. Shall we, my Lords, refuse to do right, because another Assembly may do wrong? Shall we refuse to give a Man a Sword for defending himself, when we know he is in Danger of being attack'd, because he may turn the Point, and stab himself with it? This, my Lords, is a very strange Sort of Argument. But now I am up, I shall beg Leave to shew, that there is nothing new intended by this Bill, nor any Power given to the other House, but what they have already.

Before I do this, my Lords, I must observe, that upon a Question for going into a Committee to consider of a Bill for preventing Corruption, I was surprized to hear the noble Lord that spoke last, find fault with those who had endeavoured

voured to set in a true and clear Light the monstrous Deformity, and the fatal Effects of that political Distemper; for surely, the more sensible we are of its Deformity and fatal Consequences, the more we shall abhor the Crime, and the more we abhor it, the more ready every one will be to agree to our spending one Day at least, in endeavouring to find a Remedy for the contagious Distemper. I shall grant, that none of your Lordships have attempted to justify Corruption. I hope no Lord will ever dare to do so in this House; but without Doors it has been justified, as a necessary Means of Government; nay Pamphlets, or rather Libels upon the Nation, have been wrote for this very Purpose, and supposed to have been countenanced by those whose Business and Duty it was to have suppressed them. But tho' none of your Lordships have endeavoured to justify Corruption, yet, I cannot think, that those who oppose this Question, are so sensible of its fatal Effects as they ought to be; for, suppose this Bill imperfect, suppose the Methods proposed ineffectual, yet, this can be no Reason for our refusing to go into a Committee upon the Bill: We may be able to amend the Bill, so as to make it a perfect and effectual Bill; and, as the noble Lord who spoke last seems to think, that by an able and willing Physician, a Specific may be found for every political Distemper, I hope he will give us his Assistance; for I make no Question of his Ability, and I hope he will not, by his giving his Negative to this Question, give me any Room to doubt of his Will.

How the noble Lord came to imagine, that a Gentleman who had received a just Reward from the Crown, or that any Gentleman would be excluded, by this Bill, from having a Seat in the other House, I cannot comprehend. My Lords, I have perused the Bill with all possible Care, and I can find no Words by which any Man is excluded from having a Seat in the other House, unless he refuses to take the Oath prescribed by the Bill. But the noble Lord says, the other House may, upon his making the Declaration proposed, exclude him by a Vote of their House: That is to say, they may expel him. In this Case, can it be said, that the Gentleman is excluded by this Bill? No, my Lords, he is excluded by their Vote; and that Vote cannot be founded upon this Bill, but upon the Common Law, or upon the Laws now in being against Pensioners. Therefore, this Bill contains no Extension, nor the least Innovation of any of the Laws now in being, with respect to those that have, or have not a Right to sit and vote in the House of Commons; nor can that House, by this Bill, acquire any Right or Power but what they now enjoy.

Anno 23. Geo. II.
1739.

I shall grant, my Lords, that no Member ought to be expelled by the other House without a just Cause; but, in this Respect, it must be allowed, that the Members of the other House are the sole and absolute Judges. Suppose they should, by a Vote, expel a Gentleman unjustly, can that Vote or Sentence be now questioned in any other Judicature or Assembly? My Lords, it is now as absolute and as irreversible as it can be, should this Bill be passed into a Law; and, if they have hitherto made no wrong Use of this absolute and uncontrolable Power, why should we suspect their doing so in Time to come? With respect to the Rewards and Gratuities that are given by the Crown for real public Services, they are always well known, and openly acknowledged: They have always been so; and, as the other House has never yet thought of looking upon any of them as a Pension or Bribe, or of expelling a Member on account of his having received such a Reward or Gratuity, tho' the Receiving of it was openly and without any legal Compulsion avowed, can we think that a Gentleman's acknowledging, in Pursuance of an Act of Parliament, the Receipt of such a Gratuity or Reward, will any way alter the Conduct of the other House in this Respect? With regard to such Gratuities or Rewards, let the future Conduct of the other House be what it will, it can be no way influenced by this Bill; because, as such Rewards and Gratuities are publicly given, and as publicly received, a Proof can never be wanting, the other House will always hear of them, tho' no such Bill as this should ever pass, and they may, if they have a Mind, expel the Receiver either upon his own Acknowledgment, or upon a Proof, or upon common Fame; but I must deny, that they can load him with Infamy, or make the World believe, that he is a corrupt Betrayer of his Trust.

Real Infamy, my Lords, is a Punishment that can be inflicted by nothing but the Justice of the Sentence; for when a Court or Assembly decrees that to be a Crime which is really a Virtue, or finds a Man guilty that to the World appears to be innocent, the Infamy recoils upon the Judges, and their Sentence does Honour to the Person condemned. This would be the Case, if ever the other House should unjustly expel a Man for receiving a just Reward for some public Service: The Nation he had served, and the King who had rewarded him, would rise up in his Vindication; and a Sentence of Infamy as well as Dissolution would certainly be passed upon such a factious Assembly. But, if Corruption should ever spread over a Majority of the other House: If a Ministry should, by Flattery, gain the absolute Direction of his Sovereign, and by Bribes and Pensions, the Direction of


of the House of Commons ; no Man will suppose, I believe, Annor³. Geo. II.
1739. that such a House will ever expel a Member for receiving a Gratuity or Reward from the Crown ; and tho' a Sentence of Infamy might very probably be passed upon the whole Assembly by the Nation, yet, no Sentence of Dissolution would ever be passed upon it by the Crown. It is this, my Lords, that may render the other House both contemptible and factious. It may become a ministerial Faction for oppressing the People and betraying the Sovereign : Then, indeed, it will become contemptible : The very Name of Parliament would, in a short Time, become hateful to the People ; and then it would not only be easy for an ambitious Prince, but happy for the Nation, to have the Use of Parliaments laid entirely aside.

The Danger therefore of not preventing Corruption in the other House is very great ; and as to the Dangers pretended to arise from the Methods proposed by this Bill for preventing it, there is not the least Foundation for them ; because they arise not from this Bill, but from a supposed Abuse of Power in the other House ; and this, I have shewn, that House is as liable to run into, should this Bill never pass, as they can be supposed to be, after it is passed into a Law. Nay, they will be more liable to run into an Abuse of their Power, should no such Bill as this be ever passed ; because a corrupt House of Commons, under the Influence of an arbitrary and wicked Minister, may more probably run into an Abuse of their Power, against the Friends and Servants of their Country, and continue that Abuse longer, than a factious House of Commons can be supposed to do, against the Friends and Servants of the Crown ; for this plain Reason, because the Crown may, and certainly will put an End to the Power of the latter, as soon as they begin to abuse it ; but the Crown will never put an End to the Power of the former, as long as the King happens to remain under the Direction of such a Minister. There is not therefore the least Shadow of Reason for saying, that the Methods proposed by this Bill for preventing Corruption can be inconvenient or dangerous, either to the Constitution, or to those who may hereafter happen to be Members of the other House ; and, as to their being improper, because of the trifling Gratuities Members may sometimes receive from the Crown, the Objection, I think, is as ill founded. My Lords, if a Gentleman of the other House should receive a Horse, a Watch, or any other Trifle from the Crown, I can see no Impropriety in obliging him to declare it : If he receives it upon any honourable Account, I am sure he will, he ought to declare it, whether he be obliged by Law to do so or no ; and, I

Anno 13. Geo. II. 1739. am sure, there is no Impropriety in our taking every Method that can be thought of, for preventing the Members of the other House from receiving a Present from the Crown upon any dishonourable Consideration.

Now, my Lords, with regard to the Effect this Bill may have upon the Abandoned, I shall grant, the Sin of Perjury will have very little Effect upon them; but the Penalties of Perjury will have an Effect even upon the most Abandoned, otherwise we must suppose, that the Laws now in being against Pensioners are ridiculous. When a Crime can be secretly committed, I shall grant, it is a great Encouragement to its being often committed; but all Crimes are committed under an Expectation of Secrecy, yet, we find they are often discovered; and Corruption is not one of that Sort of Crimes that may the most secretly be committed, because there must always be at least two Persons concerned, and if we should lay a Penalty upon the Corruptor as well as the Corrupted, these Companions in Iniquity may, as others do, impeach one another. Therefore our adding the Penalties of Perjury to the Penalties already by Law inflicted, will certainly have some Effect upon the most Abandoned, and the Sin of Perjury will, I hope, prevent some from accepting of any corrupt Gratuity from the Crown; for tho' it be wrong to accept of any such Gratuity, yet, it has been, and may often be accepted, without the Receiver's supposing, he thereby betrays that Trust which is reposed in him by his Country.

But the noble Lords, who have spoke against this Bill, are all under a Mistake when they suppose, that the Penalties already by Law inflicted can, even in case of a Discovery, be made effectual against every Sort of Corruption; and, to shew this, my Lords, I must observe, that Corruption is of four Sorts. It is either by way of Pension during Pleasure, or by way of Pension during a Term of Years; or, it is by way of a Sum of Money paid for the whole dirty Work of a Session, or by way of a Sum paid and repeated for every particular infamous Jobb. The first two Sorts were long thought so innocent, that it was a Question, whether such Men should be excluded from their Seats in the other House, and therefore it became necessary to exclude them by express Statute, under the Penalties mentioned in those Statutes; but before a Man can be subjected to those Penalties, it must be proved, that he had a Pension settled upon him by Sign Manual, or some other Sort of Grant, either during Pleasure or for a Term of Years: From thence it is plain, that neither of the two other Sorts of Corruption can be brought within these Statutes, or subjected to the Penalties thereby inflicted; and this, I believe, is the chief Reason that those Penalties

Penalties could never be recovered; because, if there are, *Annor 13. Geo. II.*
 or have been any Pensioners in the other House, those Pen- 1739.
 sioners have been paid annually without any Sign Manual, 

or other Grant for establishing them, and such Pensioners or corrupt Persons are neither excluded by those Statutes, nor subject to the Penalties thereby inflicted. But, will any Lord say, that such infamous Corruption is not prohibited by Law? My Lords, those that receive a Sum of Money for the dirty Work of a Session, or for any particular infamous Jobb, are excluded from their Seats in the other House by Common Law; and therefore it was unnecessary to make any express Statute for excluding them. If the Fact could be discovered, they would of course be expelled; but, even upon a Discovery, they are as yet subject to no Penalty by express Statute, nor could they, I believe, be prosecuted by any Method at Common Law. One of the chief Intents of this Bill therefore is, to prevent a Member's being guilty of either of these, which are the most infamous Sorts of Corruption, by subjecting the Person so corrupted to a Prosecution at Common Law, and to the Penalties of Perjury, in case he should receive such a Bribe, and afterwards be so wicked as to deny it upon Oath. Whether this will be altogether effectual I shall not say: I believe it will not; but, I am sure, it will be more effectual than to leave such Criminals, as they are at present, absolutely free from any Penalty, nay, from any Prosecution at Common Law; and therefore I must think, that those Lords who are against our going into a Committee upon this Bill, are far from having that Horror which they ought to have, at the infamous, contagious, and dangerous Practice of Corruption.

The Question was then put, and passed in the Negative, Contents 40, Not Contents 52. After which the Bill was rejected without a Division.

April 29. His Majesty came to the House of Peers, and put an End to the Session with the following most gracious Speech.

My Lords, and Gentlemen,

“ **T**HE Zeal which you have shewn for the Support
 “ and Prosecution of the just and necessary War in
 “ which I am engaged, is a fresh Proof of your Concern for
 “ the Honour and Interest of my Crown and Kingdoms.
 “ As this great and national Undertaking is the principal
 “ Object of our Attention and Expectations, so the Justice of
 “ our Cause, and the Success which hath hitherto attended
 “ my

Anno 13. Geo. II. 1739. " my Arms, give us the most reasonable Hopes, that, by
 " the Continuance of the Divine Assistance, we may see a
 " happy Issue of it.

Gentlemen of the House of Commons,

" I thank you for the effectual Supplies which you have
 " granted me for the Service of the current Year. The
 " best Return I can make, is to assure you, that they shall be
 " duly employed to the Purposes for which they were given.

My Lords and Gentlemen,

" I have formerly recommended to you Union amongst
 " yourselves, as being highly conducive to the carrying on
 " this great Work with Honour and Advantage, and to
 " the more speedy obtaining of all possible Justice and Sa-
 " tisfaction from the Crown of *Spain*, for the many grievous
 " Injuries suffered by my Subjects, and effectual Security
 " for the Freedom of our Commerce and Navigation for
 " the future. I do now earnestly exhort you to promote
 " and extend that Union in your respective Countries. Let
 " the Support of the Common Cause of the Nation prevail,
 " to attain this desirable End. Our Enemies must already
 " have been made sensible, in some Degree, of the Weight
 " of our just Resentment: They see my Kingdoms in such
 " a posture of Defence, as must render all Attempts from
 " them, without Encouragement from amongst ourselves,
 " vain and desperate. They see the Trade and Naviga-
 " tion of my Subjects protected, as far as the Nature and
 " Circumstances of a Maritime War will possibly admit;
 " and, at the same Time, the most valuable Branches of the
 " *Spanish* Commerce greatly interrupted, and subjected to
 " many Difficulties and Losses. From these happy Effects
 " of my early Endeavours, and your ready Concurrence
 " at the first Entrance into the War, I cannot but hope,
 " that the Preparations which I am now making, for carry-
 " ing it on in the most proper Places, and in the most vi-
 " gorous and effectual Manner, will be blessed with Suc-
 " cess, equal to our just Expectations."

Then the Parliament was prorogued to *Tuesday* the 3d
 Day of *June* next.

The SEVENTH and LAST SESSION of the SECOND
 PARLIAMENT of King GEORGE II.

Anno 14. Geo. II.
 1740.

WAS opened at *Westminster*, Nov. 18, 1740. with
 the following Speech from the Throne.

My Lords and Gentlemen,

" I acquainted you, at the Close of the last Session
 " of Parliament, that I was making Preparations for carry-
 " ing

ing on the just and necessary War in which I am engaged, in the most proper Places, and in the most vigorous and effectual Manner. For this Purpose, strong Squadrons were got ready, and ordered to sail upon important Services, both in the *West-Indies* and *Europe*, with as much Expedition as the Nature of those Services, and the Manning of the Ships, would admit: A very considerable Body of Land-Forces was embark'd, which is to be joined by a great Number of my Subjects rais'd in *America*; and all Things necessary for transporting the Troops from hence, and carrying on the designed Expedition, were a long Time in Readiness, and waited only for an Opportunity to pursue the intended Voyage.

The several Incidents which have happened in the mean Time, have had no Effect upon me, but to confirm me in my Resolutions, and to determine me to add Strength to my Armaments, rather than to divert or deter me from those just and vigorous Measures which I am pursuing, for maintaining the Honour of my Crown, and the undoubted Rights of my People.

The Court of *Spain* having already felt some Effects of our Resentment, began to be sensible, that they should be no longer able, alone, to defend themselves against the Efforts of the *British* Nation; and if any other Power, agreeably to some late extraordinary Proceedings, should interpose, and attempt to prescribe or limit the Operations of the War against my declared Enemies, the Honour and Interest of my Crown and Kingdoms must call upon us to lose no Time in putting ourselves into such a Condition, as may enable us to repel any Insults, and to frustrate any Designs formed against us, in Violation of the Faith of Treaties; and I hope any such unprecedented Steps, under what Colour or Pretence soever they may be taken, will inspire my Allies with a true Sense of the common Danger, and will unite us in the Support and Defence of the common Cause.

The great and unhappy Event of the Death of the late Emperor, opens a new Scene in the Affairs in *Europe*, in which all the principal Powers may be immediately or consequentially concerned. It is impossible to determine what Turn the Policy, Interest, or Ambition of the several Courts may lead them to take in this critical Conjunction. It shall be my Care strictly to observe and attend to their Motions, and to adhere to the Engagements I am under, in order to the maintaining of the Balance of Power, and the Liberties of *Europe*; and in Concert with such Powers as are under the same Obligations, or equally concerned to preserve the public Safety

Annals Geo. II. 1740. " Safety and Tranquillity, to act such a Part as may best
 " contribute to avert the imminent Dangers that may
 " threaten them.

Gentlemen of the House of Commons,

" I have ordered Estimates to be prepared, and laid
 " before you, for the Service of the ensuing Year. It is
 " always with Regret that I ask any extraordinary Aids of
 " my People : But what I have already mentioned must be
 " sufficient to satisfy you, that some Augmentations will be
 " necessary, not only for carrying on the present War with
 " Vigour, but also to put ourselves in a Condition of being
 " prepared for such Events as may arise in this new and un-
 " certain State of *Europe*. I therefore depend on your ex-
 " perience Zeal and Affection for me and my Government,
 " your Concern for your own Safety, and the Support of
 " the common Cause, to grant me such effectual Supplies as
 " may be requisite for these great Ends.

My Lords and Gentlemen,

" The Scarcity of Corn, which has happened in many
 " Countries of *Europe*, has induced several Powers to make
 " extraordinary Provisions to obviate the ill Effects of that
 " Misfortune ; and though in many Parts of this Kingdom,
 " the Harvest has proved more favourable, yet common
 " Prudence calls upon us to provide as far as may be against
 " the Approach of such a Calamity. Besides, in our pre-
 " sent Circumstances, it would be an inexcusable Neglect to
 " suffer our Enemies to be supplied with any Kind of Provi-
 " sions from my Dominions, and that even at the Hazard
 " of my own Subjects being distressed. Let me therefore
 " earnestly recommend it to you to consider of some good
 " Law to prevent this growing Mischief.

" The Difficulties which have been found in Manning the
 " Fleet by the usual Methods hitherto practised, demon-
 " strate the Want of some Parliamentary Remedy: I must
 " therefore press it upon you to lose no Time in making such
 " Provisions in this Respect, as, whilst we are engaged in a
 " War in Defence of the Commerce and Navigation of this
 " Kingdom, may enable the Public to avail itself of those
 " great Numbers of Seamen, which make so valuable a
 " Branch of our Strength.

" The Importance of these Considerations is so apparent,
 " that I need use no Arguments to convince you of the Ne-
 " cessity of the utmost Unanimity and Dispatch in your
 " Proceedings."

His Majesty was no sooner withdrawn and the Speech re-
 ported by the Lord Chancellor, but the Duke of *Argyle* rose
 up, and expressed himself to the following Effect.

*Duke of Argyll.**My Lords,*

Anno 14. Geo. II.

1740.


Duke of Argyll.

The Custom of addressing his Majesty upon his Speech from the Throne, at the Opening of a Session of Parliament, is, I believe, as ancient as Parliaments themselves, and it is so because it is very proper and very reasonable; but the Method of forming and drawing up that Address, has of late Years been very much altered, and, in my Opinion, very much for the worse. In former Times, our Method was to be very short and very general: To return Thanks for his Majesty's most gracious Speech from the Throne, and to make some general Professions of our Affection for his Majesty, and of our Zeal for his Service; and when such an Address as this was agreed to, a Day was then appointed for taking his Majesty's Speech into Consideration: For our Ancestors were not, it seems, so ready-witted as those of the present Age pretend to be: They did not, it seems, think themselves capable of determining upon the first Hearing, whether they could approve of every thing mentioned or referred to in his Majesty's Speech; and therefore they took Time to consider of it, before they said any Thing that might look like an Approbation. But now we have fallen into a Way of echoing back, in our Address, his Majesty's Speech from the Throne, Paragraph by Paragraph, and expressing at least a seeming Sort of Approbation of every Measure referred to in that Speech.

This, my Lords, is a very considerable Innovation of our ancient Method of proceeding, and an Innovation of so modern a Date, that there are several Persons in the Administration who must remember when it was first introduced. It is a Method which I think unreasonable in itself, and inconsistent with the Honour and Dignity of this House. The King's Speech is always, in this House, considered as the Speech of the Ministers, and as it has generally been, we may expect it will always be, a short Narrative of the Measures they have pursued, and a sort of Panegyric upon every thing they have done; therefore we ought to be extremely cautious of saying any thing that may imply a tacit Approbation of any thing they have done, or advised to be done. We sit here, my Lords, as a Check upon Ministers: It is our Duty, as his Majesty's hereditary and supreme Council, to inform him, whether he has been ill or well advised or served by his Ministers; and shall we, in our Address, say any thing that may give our Sovereign Cause to think, he has been well served, or rightly advised, by his Ministers, when, for ought we know, he has been betrayed by them, or led into such Measures as may undo both him and his Family.

Annor 4. Geo. II.
1740.

I know, my Lords, it is a Maxim, that we are not bound by any thing we can say upon this Occasion; and that notwithstanding any implied Approbation of past Measures, contained in our Address by way of Answer to his Majesty's Speech, we may afterwards strictly enquire into those Measures, and freely condemn them, if upon such Enquiry they appear to be wrong. This Maxim is, indeed, absolutely necessary, as long as we continue in that Method of addressing which we have lately fallen into; but I must refer it to your Lordships, whether it be consistent either with the King's Safety, or our own Honour. In public Affairs, my Lords, a Day, an Hour is often of the last Consequence. A bad Measure, if pursued, may be of such a Nature as to bring irrecoverable Ruin: If retracted or altered in Time, the impending Ruin may be prevented. In this Case, a Day, an Hour may be critical, and may determine the Ruin or the Recovery of the King's Affairs. If the King should have been led into dangerous Measures, shall we encourage him in the Pursuit of those Measures, by a seeming Approbation in our Address at the Opening of the Session? Without this Approbation he might, perhaps, have reflected upon what he was about, and might thereby, of himself, have discovered his Error. But by this our seeming Approbation, he is encouraged to go on without Reflexion, without Consideration, and before we have Time to enquire and condemn, the critical Day or Hour may be past, and the Ruin of the King's Affairs become irrecoverable.

This, my Lords, must shew how inconsistent it is with the King's Safety, for us to give so much as a seeming Approbation of any public Measure, in our Address at the Opening of a Session; and notwithstanding the Maxim of our not being bound by it, I must think it absolutely inconsistent with our own Honour. It is a Sort of Evidence, my Lords, in Favour of every Thing the Minister has done. It has been, and always will be look'd on, both abroad and at home, as the Evidence of this House, that the Measures pursued by our Ministers are all wise and right; and shall we give our Evidence in Favour of what we know nothing about, any farther than the Minister has been pleased to tell us in his Majesty's Speech from the Throne? To say that we shall first give such an Evidence, and then enquire if it be right, is directly what is ascribed to the fawning Parasite, who first gives his Testimony to the Truth of a Fact, and then enquires what it is. Is this consistent with your Lordships Honour? In private Affairs your Word is your Oath: It is allowed to be of equal Weight with the Oath of a private Man: I believe, every one of your Lordships considers it as such, and would be as shy
of

of giving your Word, as your Oath, in Testimony of a Fals-
hood. My Lords, in private Conversation, it may, per-
haps, be looked on as a stiff sort of Formality, never to say
any Thing, or to make any Use of any Expressions, but such
as are strictly agreeable to the Sentiments of the Mind. A
little Complaisance, or even Diffimulation, is allowable, be-
cause it is necessary for Conversation, and for keeping up a
Correspondence among Men ; but in all judicial Proceedings,
and much more in parliamentary Proceedings, especially such
as remain upon Record as the authentic Acts of the Assembly,
Complaisance is no way necessary, and Diffimulation is always
a Crime. I am therefore surprized, how this modern sort of
Complaisance in our Addresses at the Opening of a Session
came first to be introduced, or how it has continued so long ;
but, thank God ! it has yet acquired no prescriptive Authori-
ty : It is not yet beyond the Memory of any Man living, and
I hope it will be altered, and for ever abolished, before it
comes to be so. I hope we shall return to our ancient Me-
thod, and there was never a greater Necessity for it than upon
the present Occasion.

My Lords, when no Measures have been pursued but such
as seemingly at least appear to have been right, a little Com-
plaisance in our Address may admit of some sort of Excuse ;
but when the Measures pursued, and referred to in his Ma-
jesty's Speech, are such as seemingly appear to be wrong,
or such as have been generally condemned, the least sort
of Complaisance with regard to such Measures would be
criminal in the highest Degree. This, my Lords, is the
Case at present. The Methods taken for prosecuting the
War we are now so justly engaged in, or rather the surpriz-
ing Neglects we have been guilty of, have been condemned
by all but our Enemies ; and, indeed, in all Appearance, they
are such, I think, as it is impossible to justify. If upon this
Occasion we return such an Address as has been usual of late
Years : If we echo back his Majesty's Speech Paragraph by
Paragraph, we must either justify or condemn all the Mea-
sures that have been pursued, and all the Neglects our Mi-
nisters have been guilty of. In his Majesty's Speech they
tell us, they have prosecuted the War in the most proper
Places, and in the most vigorous and effectual Manner. Can
we say so in our Address, my Lords ? Will any Man in the
Nation, besides the Creatures of our Minister, say so ? Have
we prosecuted the War in the most proper Places ? Have we
prosecuted it in any Place ? My Lords, we have prosecuted it
no where, unless a little Privateering can be called prosecut-
ing a War ; and even in that Way we have neglected our own
Trade so much, that I am convinced, the Enemy have had
1740. Iii 2 greatly

Anno 14. Geo. II.
1740.

greatly the Advantage of us, As for what Admiral *Vernon* has done in the *West-Indies*, I am persuaded it was not owing to the Orders or Instructions he had from our Ministers, but because they durst not give him any Orders or Instructions for preventing it; and because they knew, that he had a sincere Regard for the Honour and Interest of his Country, and of Consequence would, to the utmost of his Power, prosecute the War, in the most proper Place, and in the most vigorous and effectual Manner, therefore they sent him thither with a Force from which nothing could be expected, and with which no Man but himself, I believe, would have attempted any Thing of Consequence.

For the same Reason, my Lords, they found Pretences, of some Kind or other, to delay sending him any proper Supplies, for above a Year and a Half after they might and ought to have been sent. Nay, I doubt much if they would yet have been sent, if it had not been for the express Orders given, as I must suppose, by his Majesty, after his Return from his *German* Dominions; for by their having been so long, and so unaccountably delayed before, and failing so soon after his Majesty's Return, I must suppose, that their failing at last proceeded solely from him, and not from the Directions of any of his Ministers, perhaps contrary to the Advice of some of them. The westerly Winds, I know, afforded some sort of Excuse; but if the necessary Preparations had been made with any sort of Foresight or Dispatch, the Fleet might have been ready, and might have sailed, before the westerly Winds set in; and even after these Winds had set in, there were several Opportunities for our Fleet's getting out of the Channel, if they had been provided with every Thing necessary, and had received express Orders to sail with the first Opportunity.

With regard, my Lords, to the sending of Supplies to Admiral *Vernon*, there seems to have been something more than Neglect: There really seems to have been a formed Design, to prevent his being able to prosecute the War in the *West-Indies*, till the *Spaniards* had provided for their Defence; and the little Interruption they have met with in sending Squadrons and Land-Forces to *America*, confirms me in this Belief. But this is not the only wrong Measure, or unaccountable Neglect, we have been guilty of. I may perhaps have no great Share of natural Understanding, but I have some Experience in military Affairs. It has been my Trade ever since I was a Child; and from the Experience I have had, and the Knowledge I have, by conversing with others, acquired, I think, I could demonstrate, that no one right Step has been taken, either in the Commencement or Prosecution

cution of the War. But as I shall always be as far from de- Anno 14. Geo. II.
 firing your Lordships to condemn, as I shall be from desiring 1740.
 you to approve, without being fully and thoroughly inform-
 ed, therefore, the only Aim I have in giving you my
 Thoughts upon the present Occasion, is, to induce you to
 return to the antient Method of addressing, in Answer to his
 Majesty's Speech from the Throne.

I know, my Lords, the modern Practice has for some
 Years been very different. His Majesty's intended Speech
 has been communicated by his Ministers to a few Lords, be-
 fore he spoke it in this House, and at the same Time they
 communicated such a Motion, as they thought would be pro-
 per to be made, for an Address of this House by way of An-
 swer to that Speech. The first has generally contained an
 Eulogium upon their own Measures, and the other has regu-
 larly been a Repetition and Improvement of that Eulogium.
 This, we may believe, has always been approved of
 by the Lords they shewed it to, and then some one of them
 has been appointed to make that Motion, and another to se-
 cond it. Hitherto, my Lords, I am no way surprized: I
 am not all at surprized, that the Ministers Measures, or the
 Motion they propose, should be approved of by the few
 Lords they pick out for their Confidants; but what I am
 surprized at is, that this House has fallen into a Method of
 expecting and waiting for this Motion, as if no Lord in this
 House had a Right to make such a Motion, but the Lord
 appointed for that Purpose by the King's Ministers; and I
 am still more surprized, that the Motion thus made by the
 Appointment of the King's Ministers, should for so many
 Years have been approved of by the Majority of this House.
 Such a Method of introducing an Address I think inconsistent
 with the Freedom and Independency of this Assembly, and
 I think our mentioning or saying any Thing of Measures we
 know nothing of, in a Parliamentary Way, inconsistent with
 our Dignity and Honour.

I am therefore, my Lords, for our resuming the ancient
 Method of Addressing, and I think it more necessary upon
 this Occasion, than any former, because our public Trans-
 actions since last Session have been such as have not been ap-
 proved of, I believe, by many Lords in this House, and I
 am sure they have been complained of by the Majority of
 the Nation. No Lord will oppose, no Man can find Fault
 with our returning his Majesty Thanks for his most gracious
 Speech from the Throne, or with any general Professions we
 can make use of, for testifying our Duty and Affection to
 him, and our Zeal for his Service, which is the farthest we
 ought to go upon the present Occasion; and for this Purpose,
 I have

Anno 14. Geo. II.

1740.

I have thought of a Motion for an Address, which I hope your Lordships will approve of. As what I am to propose is not the Work of many Hands, and as I do not pretend to understand any Thing of the Sublime, my Sentiments may, perhaps, be but poorly expressed; but this I can say, my Motion is my own, and made without any Man's Direction. It is this, my Lords: That your Lordships do resolve, That an humble Address be presented to his Majesty, returning him the Thanks of this House for his most gracious Speech from the Throne.

To congratulate his Majesty on his safe Return to his Regal Dominions. To assure his Majesty, that we will stand by him with our Lives and Fortunes, in the Prosecution of the just and necessary War in which he is engaged.

And as a further Proof of our Duty and Affection to his Majesty's sacred Person, Royal Family and Government, to assure him, that we will exert ourselves in our high Capacity of hereditary great Council of the Crown (to which all other Councils are subordinate and accountable) in such a manner, as may best tend to the promoting the true Interest of his Majesty, and our Country, in this critical Juncture.

Lord Bathurst.

My Lords,

Lord Bathurst.

It was with great Satisfaction I heard the Motion now made to you: I confess I did not expect to hear any Motion made by the noble Duke upon this Occasion, and his standing up gave me an anticipated Sort of Pleasure; because I supposed he was to conclude with a Motion, and that Motion, I foresaw, would be more agreeable to the Honour and Dignity of this House, than any I had heard for some Years upon the like Occasion. He has exceeded my Expectations: The Motion he has offered, is drawn up in as strong Terms as can possibly be expressed. There is nothing in it we can object to; and I hope it will be thought as full, as even his Majesty's Ministers can justly expect from us upon this Occasion.

My Lords, I have often found fault with that complainant, I shall not say fawning Method, we have of late Years fallen into, of echoing back his Majesty's Speech from the Throne, and making our Address a Sort of Panegyric upon the Conduct of our Ministers. It is a most dangerous Departure from the Method observed by our Ancestors: It is an Innovation of so late a Date, that even I remember when it was first introduced; and though it has since been generally observed, yet your Lordships know, that it has almost always been objected to by many Lords in this House, though they had not the good Fortune to prevail in their Opposition.

The

The noble Duke has taken the right Method, I think, for prevailing with us to resume the ancient Usage of Parliament. He has proposed an Address that cannot, I am sure, be disagreed to, and nothing can, I think, be added without weakening what he has proposed. If there be any amongst us, that incline to have Compliments made to our Ministers upon this Occasion, I do not see how they can now be introduced; for I shall think it very extraordinary, to see a Negative put upon a Motion so full of strong Expressions of Duty to his Majesty and our Country, in order to make Room for an Address stuffed with fulsome Compliments to our Ministers.

Anno 14. Geo. II.

1740.

I know, my Lords, it is not necessary to second any Motion in this House, and therefore I now rose up only to testify the Satisfaction I received from hearing this Motion made, and to declare my Approbation of what the noble Duke has proposed. I hope it will meet with no Opposition: If it does, I may, perhaps, rise up again to give you my Sentiments upon the Subject; and if I should, I hope the House will indulge me the Favour of a Hearing.

Lord *Haverham*.

My Lords,

The present State of the Affairs of *Europe* in general, as Lord *Haverham*; well as of this Nation in particular, is so critical, and his Majesty, in his Speech from the Throne, has so fully laid that State before us, that every Man must be sensible of what the *British* Nation ought to do, and what a *British* Parliament ought to say to their Sovereign, upon this important Occasion; therefore, unexperienced as I am, I shall venture to propose what I think ought to be the Heads of your Address, by way of Answer to his Majesty's Speech from the Throne.

His Majesty has told us, that Measures have been taken, that Squadrons have been got ready, and Land-Forces raised and embarked, both here and in *America*, for pushing the War against *Spain*, in the most proper Places, and in the most vigorous and effectual Manner; and that these Things have been done, with as much Expedition as the Nature of the Services, and the Manning of the Ships, would admit. These, my Lords, are Facts we have no Occasion to enquire into: They are publickly known; and every one will allow, they were wise and right. We cannot therefore omit making our Acknowledgments to his Majesty upon this Subject: We could not in Gratitude have omitted it, even tho' he had been pleased not to mention any Thing of it in his Speech.

What

Anno 14. Geo. II.
1740.

What Resolutions our Neighbours have taken, or may take, with regard to the War between *Spain* and us, are not yet openly declared, at least they are not publicly known; but his Majesty having hinted to us, in his Speech, as if some of our Neighbours intended to attempt to prescribe Rules to us, I think we ought to thank his Majesty for not allowing himself to be diverted or deterred from the just and vigorous Measures he is pursuing, for maintaining the Honour of his Crown, and the undoubted Rights of his People. And at the same Time we ought to assure his Majesty, that we will concur with him in all proper Measures for resenting such an Insult, and for frustrating the Designs that may be formed against us by any Power whatsoever.

This, I say, my Lords, we ought by no Means to neglect, and we ought to take this, which is the first Opportunity of doing it; because when our Neighbours see, that neither the King nor the Nation is to be terrified by any Threats they can make use of, nor by any Designs they can form, it will make them reflect upon the Danger they expose themselves to, and this may prevent their attempting to carry such Designs into Execution.

Another Thing his Majesty has mentioned in his Speech, I must take Notice of, because I think our inserting a proper Paragraph in our Address, by way of Answer to what his Majesty has said upon that Head, will be of the utmost Consequence to the Affairs of *Europe*, and may prevent a most general and a most dangerous War. Your Lordships must perceive, that I mean the important Scene opened in *Europe* by the Death of the late *Emperor*. His Majesty has told us, and every one must see, that it is impossible to determine what Turn the Policy, Interests, or Ambition of the several Courts of *Europe* may lead them to take in this Critical Conjunction. Ambition, my Lords, is always for fishing in troubled Waters, and the Affairs of *Europe* were never in a more troubled State, than what they have been thrown into by this unhappy Event. But when the Powers of *Europe* see that the *British* Nation, as well as the *British* King, are resolved to maintain the Balance of Power and the Liberties of *Europe*, it may prevent not only the most Ambitious, but the most Powerful from forming Schemes for destroying what *Britain* appears resolved to preserve. His Majesty has done his Part by declaring his Resolutions in his Speech from the Throne. Do not let us be deficient in ours. Our acknowledging the Wisdom of his Majesty's Resolutions in this Respect, and taking this first Opportunity to concur with him in these Resolutions, will very much encourage our Allies, and contribute to the Success of those Negotiations his Majesty may

may now be carrying on for establishing the Balance of Annor 4. Geo. II.
Power, and preserving the Tranquillity of *Europe*. 1740.

I shall add no more, my Lords, but conclude with moving you to resolve, That an humble Address be presented to his Majesty, to return him the Thanks of this House for his most gracious Speech from the Throne.

To acknowledge his Majesty's great Wisdom, and his Adherence to the true Interest of his Kingdoms, in resolving to carry on this just and necessary War in the most proper Places, and in the most vigorous and effectual Manner; and in not suffering himself to be diverted or deterred from those Measures.

To give his Majesty the strongest Assurances, that if any Power should attempt to prescribe or limit the Operations of War against his declared Enemies, such an extraordinary Proceeding would not fail to create a just Indignation in us, and determine us to concur in all proper Measures for vindicating and defending his Dignity and Honour against any Insults, and frustrating any Designs formed against us.

To assure his Majesty, that this House will zealously stand by and support him in adhering to the Engagements he is under for maintaining the Balance and Liberties of *Europe*, on the Event of the late Emperor's Death, as well as in the Prosecution of the present War.

To express our unshaken and unalterable Fidelity and Affection to his Majesty's Person and Government, and our ardent Wishes, that all his Enterprizes for maintaining the Honour of his Crown, and the Rights of his People, may be blessed with Success.

These, my Lords, are, in my Opinion, the Heads upon which our Address ought to be formed; but as I am little acquainted with the Methods of Proceeding in this House, I shall leave it to your Lordships to consider, whether this Proposition, which I have ventured to make to you, ought to stand as a Motion by itself, or whether it ought to be offered by way of Amendment to what the noble Duke has been pleased to propose.

Lord Hyndford.

My Lords,

If we consider the present Circumstances of this Nation, Lord Hyndford
or the present Situation of the Affairs of *Europe*, I believe every one of your Lordships will allow, that there never was a Time, when there was a greater Necessity for testifying, in the most public and authentic Manner, a perfect Unanimity amongst ourselves, and a firm Confidence in his Majesty's Wisdom and Conduct. We are now engaged in a War against one of the most powerful, and one of the most abso-

Anno 14. Geo. II. 1740. lute Monarchies in *Europe*. We have formerly been engaged in War solely for satisfying the Ambition of our Sovereign, or the private Piques and Resentments of some of his Favourites; but, during his present Majesty's Reign, we can be in no Danger of being engaged in War on any such Account. In every Part of his Conduct he has shewn, that he is swayed by nothing but the Honour of his Crown, and the Happiness of his Subjects; and the present War he did not engage in, till the Obstinaey, Injustice and Violence of the *Spaniards* made it evident to every Man in the Kingdom, that we could expect no Satisfaction for past Injuries, nor Security against future, by any Thing but by Force of Arms. The War has been hitherto conducted with the utmost Vigour, in the most proper Place, and with as much Success as could reasonably be expected; but every one knows, that from the very Beginning of the War we were, and still are in Danger of having another Enemy to engage with, more powerful, and more capable to hurt us. This Danger will encrease in Proportion to our Success, and nothing can contribute more to our eschewing this Danger, than that of shewing a perfect Harmony and Unanimity amongst ourselves.

With regard to the present Circumstances of this Nation therefore, we ought upon this Occasion, if ever, to express our Duty and Affection to his Majesty, our Approbation of his Measures, and our Confidence in his Wisdom and Conduct, in the most full and explicit Terms. And with regard to the present Situation of the Affairs of *Europe*, your Lordships must all be sensible, how ticklish it has been rendered, by the late unfortunate Death of the Emperor: By this untimely Accident, those who are professed Enemies to the Repose and Liberties of *Europe*, have got such an Opportunity for carrying their ambitious and dangerous Designs into Execution, as they themselves could scarcely have hoped for. By this Accident, the Princes of *Germany* are left without a Head, (and God knows how long they may continue so) the *Germanic* Body is thereby rendered lifeless and inactive, and the House of *Austria* is on every Side environed with Enemies, ready to tear from it the Whole or a great Part of its Dominions. In this Situation nothing can preserve the Liberties of *Europe*; nothing can preserve the Liberties, the Trade, or the Navigation of this Kingdom, but a speedy Alliance and Confederacy amongst those Princes and States that are Friends to Liberty, for defeating the Designs of those that are its declared Enemies; and the forming of this Alliance or Confederacy will be greatly promoted or retarded by our Behaviour in this Session of Parliament.

All the Princes and States of *Europe* are sensible of the Anno 14. Geo. II.
 Weight and the Power of this Nation, when we act with
 Concord and Unanimity. If there appears to be a perfect
 Unanimity amongst ourselves, and a good Harmony between
 the King and his Parliament, the several Powers whose Inter-
 est it is to preserve the Liberties of *Europe* will put a Confi-
 dence in this Nation, as they have done heretofore, and will
 readily join with us in a Confederacy for our mutual Prefer-
 vation; but if in this Session of Parliament we should by
 any Means shew a Coldness in our Duty and Affection to our
 Sovereign, or a Diffidence in his Conduct, the other Powers
 of *Europe* can expect no Assistance from his Majesty; which
 will make them despair of being able to withstand the Tor-
 rent; and the Consequence of this will be, that every one of
 them will endeavour to make the best Terms they can for
 themselves, and refuse to join in any public Concert for
 opposing the ambitious Designs of those who are, I may
 say, by Nature as well as Situation, the professed Enemies of
Great Britain.

Let us consider, my Lords, what a dreadful and dangerous
 State this Nation will be reduced to, if the Northern Powers
 should be engaged in a War against one another, and the
 Flames of a Civil War kindled up amongst the Princes of
Germany. The several Branches of the House of *Bourbon*
 will then be left at full Liberty to turn their whole united
 Force against this Nation, and against this united Force we
 must stand single and alone; for the *Dutch*, as they lie open
 to the Continent, and could expect no Assistance from *Ger-*
many, would not dare to assist us. We are already engaged
 in a War against one of the Branches of the House of *Bour-*
bon: Another, and the most powerful of them, has already
 shewn an Inclination to prescribe or limit the Operations of
 our Arms. In my Opinion, they would have all united in
 the War against us, long before this Time, if it had not
 been for the Danger they may be exposed to by our forming
 a powerful Alliance upon the Continent; and against such
 an united Force, it is hardly possible for us, in all human
 Probability, to stand single and alone. It is therefore neces-
 sary for our Safety, as well as for our Success in the War we
 are now engaged in, to prevent, if possible, a War in the
 North, or a Civil War in *Germany*. This his Majesty has
 resolved on, and this he may effectuate, if a due Weight be
 given to his Negotiations, by letting the World see, that
 his Majesty will be supported by the united Power of the
 Parliament and People of *Great Britain*.

For this Purpose, my Lords, we ought, in our Address
 upon this Occasion, to express ourselves in as full and ex-
 plicit

Anno 14. Geo. II.

1740.

licit a Manner, as ever a *British* Parliament did to their Sovereign. An Address in general Terms may, at other Times, be right. The Custom of echoing back (as some affect to call it) his Majesty's Speech from the Throne, may, for what I know, be wrong; but it is a Custom that has prevailed for many Years, and I am sure it would be very wrong in us, at this critical Conjunction, to alter that Custom, or to shew less Respect for our Sovereign, than has for many Years been shewn upon the like Occasion; for which Reason, I cannot but approve and second the Motion made by the noble Lord near me.

Lord Chancellor.
lor.

Lord Talbot.

Lord Chancellor.
lor.

As this last Motion was the second Motion for the same Purpose, and as by the Forms of Proceeding, it was necessary to put a Question upon the first Motion, before the second could be come at, the Lord Chancellor stood up, and after explaining the two Motions a little, both which he caused to be read, that they might be the better understood, he said, he supposed the noble Lord meant to propose his Motion as an Amendment to the noble Duke's Motion. If this had been allowed of, the first Question would of course have been, To agree to the Amendment proposed; but Lord Talbot stood up, and shewed, that the noble Lord neither meant nor could mean to propose it by way of Amendment, because the first Paragraph in both Motions was Word for Word the same: That if the noble Lord had meant what he proposed as an Amendment to the noble Duke's Motion, he would have proposed, that the first Paragraph only of the latter should be left standing, that the two other Paragraphs should be left out, and in their Stead, by way of Amendment, he would have moved to insert the Whole of what he has proposed, except the first Paragraph: But this he had not done. According to his Manner of stating his Proposition, it was plainly a distinct and a second Motion, and therefore their Lordships were, by the Forms of Proceeding, to put the Question upon the first Motion. Upon this the Lord Chancellor stood up and said, That he rose up only to speak to their Methods and Order of Proceeding: That he granted the Motions seemed to be two distinct Motions, and therefore if their Lordships did not approve of the first, and had a Mind to come at the second, the proper Way would be to put the previous Question with regard to the first: However he would make no Motion; he spoke to Order only, and would afterwards take an Opportunity to speak to the Merits.

The

The Lord Carteret.

Anno 14. Geo. II.

My Lords,

1740.

In this Debate, as well as in a great many others, I find some Lords are mighty apt to run into a Mistake, which is of the most mischievous Consequence in all Parliamentary Enquiries. They cannot, or will not distinguish between his Majesty and his Ministers; but call all public Measures his Majesty's Measures, and from thence suppose, that those who find fault with any public Measure, are blaming his Majesty's Conduct, and trespassing against that Duty and Affection they owe to their Sovereign. This, my Lords, is a most unparliamentary Method of Proceeding; for it is well known, that his Majesty's Name ought never to be brought into any of our Debates. When we take his Majesty's Speech into Consideration, though we have heard it from his own Mouth, yet we do not consider it as his Majesty's Speech, but as the Speech of his Ministers. Tho' we were in our private Capacity convinced, that his Majesty had spoke off-hand, and without Premeditation, or advising with any one of his Ministers, yet when we come to consider that Speech as Members of this House, we are to consider it as the Speech of his Ministers; for while they continue Ministers, they are answerable to Parliament for every Thing the Parliament does or says, and if they think this a Hardship, they may easily avoid it, or get off on't, by refusing to accept of, or by throwing up their Employments.

With regard to all public Measures it is the same. When we come to consider them in this House, we are to look on them as the Measures, not of the King, but of his Ministers, even tho' we were in our private Capacity convinced, that the King had of his own Head pursued those Measures, without consulting with any of his Ministers, and perhaps contrary to their Advice: This, I shall allow, is likewise a Hardship upon Ministers, but it is a great Advantage to the Nation; and it must be allowed, that the Hardship is not so great in making the Ministers and Officers of the Crown answer for what the King does, as in making them answer for what he says; for the King may speak without the Assistance of any Minister or Officer, but he cannot act, he can prosecute no public Measure without the Assistance of some of his Ministers or Officers. Therefore, when we hear any Lord advising us to approve of all his Majesty's Measures, to place an entire Confidence in his Majesty's Wisdom and Conduct, we ought to turn it into the proper Parliamentary Language, and then it will stand thus: I advise you to approve of all the Measures pursued by his Majesty's Ministers, and to place an entire Confidence in their Wisdom and Conduct; which is an Advice that I hope your Lordships will

Anno 14. Geo. II.

1740.



always disdain to take. I am sure it would be no Sign either of your Duty and Affection to your Sovereign, or of your Regard to your Country, to follow any such Advice.

My Lords, I have as much Affection for my Sovereign, and am as sensible of the Duty I owe him, as any Lord in this House can pretend to: I have a great Confidence in his Wisdom and Conduct, when he is not misled by his Ministers: But, as a Member of this House, I have no Affection for his Ministers; I owe them no Duty; and from what is past, I have no Reason to put any Confidence in their Wisdom or Conduct. Our Enemies may, perhaps, place a Confidence in their Misconduct, but I am sure our Friends, neither Abroad nor at Home, can place any Confidence in their good Conduct. Therefore, the best Way to restore a Confidence among our Friends Abroad, and our People at Home, would be, to let them see that this House is resolved to re-assume and exercise its antient Right of being his Majesty's great and chief Council; and that our future Measures will be advised, not by those who have led *Europe*, as well as their own Country, into Distress, but by a free and independent *British* Parliament. This, I say, would be the proper Way to restore a Confidence in our future Conduct among our Friends, both Abroad and at Home; and nothing can contribute more to this desirable, this necessary End, than our agreeing to the Address proposed by the noble Duke.

If your Lordships compare the two Motions now before the House, you cannot but see the Difference between the Work of a Minister, laying Snare for an Approbation of his Conduct, and the Work of a free and independent Member of this House, expressing his Duty to his Sovereign with Dignity and a true Affection. The noble Duke's Motion appears to be the Work of a good Workman. Whether your Lordships agree to it or no, it will remain upon Record, and will for ever be an Honour to him that proposed it. It is strong: It is *Laconick*: It expresses in a few Words all the Duty and Affection to our Sovereign, that is meant by the other: It expresses more; it expresses that which is our real Duty, and the best Sign of our Affection to our Sovereign: I mean, that we will exert ourselves in our high Capacity of hereditary great Council of the Crown, to which all other Councils, even his Majesty's Cabinet Council, are subordinate and accountable. Can your Lordships find fault with any one Word in this Motion? Will you weaken it by Wire-drawing it, or by adding any undeserved Compliments to the Minister?

If no Fault could be found with any of our late Measures, if all of them deserved the highest Approbation, the

noble Duke's Motion would be a proper Motion, and all we should say upon this Occasion. But when our Measures are the Subject of a general Complaint at home, and an universal Ridicule abroad, will your Lordships reject such a Motion, in order to come at a Motion that implies an Approbation of all our late Measures? I say reject, my Lords, for the previous Question is but a parliamentary Method of rejecting. When such a Motion as this is thrown out by the previous Question, and another upon the same Subject agreed to; it is as effectually rejected, as if it had been rejected in express Terms, because it can never afterwards be agreed to, which shews a very material Difference between putting the previous Question upon a Motion of this Nature, and putting it upon a Motion that may the very next Day be revived and agreed to. Therefore, if you throw out the noble Duke's Motion, by Means of the previous Question, the whole World will think, we have rejected it, in order to pass Compliments upon our Minister's Conduct. Will this, my Lords, add to the Character of this Assembly? Will it not occasion the most severe Reflections among all those that complain of our late Measures at home, and also among all those that make our Measures the Subject of daily Ridicule abroad?

By rejecting this Motion, therefore, we expose ourselves to the Danger of universal Contempt both abroad and at home: By agreeing to it, we cannot expose either our ourselves or the Nation to the least Danger. Can our agreeing unanimously to such an Address as this, be a Sign of any Discord amongst ourselves, or of any Jealousy between the King and his Parliament? Or can it derogate from that Confidence, which we ought to cherish in our Allies? My Lords, if any Discord should arise amongst ourselves, they only are to blame, who endeavour to reject this Motion, in order to make way for some Compliments to our Minister: If any Jealousy should arise between the King and his Parliament, they only are to blame, who endeavour to screen our Minister under the sacred Name of Majesty; and if any Disaffection should arise among the People, they only are to blame, who endeavour to get the Parliament to approve of what the People in general condemn. By agreeing to this Motion we shall restore that Confidence, which we ought to cherish amongst our Allies: By rejecting it, and approving of our late Measures, we shall reduce them to Despair. They despise our Ministers; they despise their Conduct; their only Hopes are in a free and independent *British* Parliament. If they find that the Parliament continues to approve of the Minister's Measures by the Lump, and with-

out

Anno 14. Geo. II.
1740.



out any Enquiry, they will lose the only Hope they have left. They will no longer expect any Change of Measures or Ministers from the Parliament; and they can expect no Wisdom or Conduct from a Minister who has, for almost 20 Years, been demonstrating to the World, that he has neither Wisdom nor Conduct. He may have a little low Cunning, such as those have that buy Cattle in *Smithfield* Market, or such as a *French* Valet makes use of for managing an indulgent Master; but the whole Tenor of his Conduct has shewn, that he has no true Wisdom. This our Allies know and bemoan; this our Enemies know and rejoice in; and this the present dangerous State of Affairs, both abroad and at home, is a melancholy Proof of.

I should avoid, my Lords, the ungrateful Task of shewing the Blunders and Errors in our late Conduct, if the Ministers themselves had not made it necessary for me to undertake it. If they had ask'd no Approbation, I should, for this Day at least, have found no Fault; but as they insist upon having a parliamentary Approbation, and for that Purpose to have one of the best Motions I ever heard made in this House, rejected, I think I am bound in Duty, both to your Lordships and my Country, to expose the Weakness of their Conduct, and to shew that the present State of Affairs, both at home and abroad, which they themselves allow to be dangerous, proceeds entirely from their own Blunders. With regard to the present Circumstances of this Nation, we have been insulted and plundered by the *Spaniards*, for almost 20 Years. Did this proceed from the Power of *Spain*, or the Weakness of this Nation? Every one knows it did not. We had it always in our Power to make that Nation feel the Weight of our Repentment; and we let slip several Opportunities, when we might have done it in a most exemplary Manner, when there was no Danger of their being assisted by any Power in *Europe*, and when we were sure of Assistance from our Allies, if they had. From whence then did our dishonourable and destructive Patience proceed? From the Weakness of our Minister, and from that alone: He did not foresee, or for some selfish End pretended he did not foresee, that if we let one Insult pass unpunished, we were sure of meeting with a second. He trusted to Negotiations and Treaties, tho' he knew that such Insults ought to put an End to all Negotiation, and that such Depredations were in direct Violation of the most solemn Treaties. In this Case, was it not evident, that we could trust to no future Treaty, that we could expect no Security in Time to come, but by a proper Repentment of what was past? Yet he deferred repenting for almost 20 Years :

Years: He continued to suffer notwithstanding the repeated Anno 14 Geo. II: Complaints of our Merchants, and the repeated Addresses of Parliament; and the *Spaniards* continued to insult and plunder. By this Conduct the Nation was rendered so contemptible, that the *Spaniards* thought they might use us as they pleased: This made them redouble their Depredations, and confirmed them in their Obstinacy; so that when our Minister found himself obliged, for his own Safety, to insist peremptorily upon Satisfaction and Security, the *Spaniards*, imagining from his former pusillanimous Conduct, that he would not dare to begin Hostilities against them, as peremptorily refused his Demand.

Thus your Lordships may see, that the War we are now engaged in, is entirely owing to the Blunder of our Minister; for if the first Insult put upon us by the *Spaniards*, after the Treaty in 1721, had been properly resenting, and full Satisfaction and Reparation peremptorily insisted on, the *Spaniards* would not have ventured upon a second, nor should we have had Occasion for any new Treaty, because the old were sufficient, if they had been observed. But this, my Lords, was not all; whilst our Minister, by his blundering Timidity, to call it no worse, was encouraging the *Spaniards* to continue their Depredations, and to persist obstinately in their Refusal of Justice, by another Train of Blunders he was detaching from us every Ally we had in the World, cementing a close Union between *France* and *Spain*, and establishing a lasting Cause of Quarrel between *Spain* and the Emperor. By the Time he had effected these wise Purposes, the Insolence of *Spain* towards us grew insufferable: The People of this Nation could bear it no longer; they would not allow him to bear it. Thus he found himself obliged to begin, or at least not to oppose our beginning Hostilities against *Spain*, at the most unseasonable Time he could have chosen during the whole Course of his Administration; for that the Time was unseasonable, I shall readily admit; but we were under an absolute and dire Necessity, and the Necessity we were under, as well as the Unseasonableness of the Time, were both owing to our Minister's Misconduct. These Measures he was, or pretended to be led into by the ridiculous Conceit of preserving the Tranquillity of *Europe*, and the Peace of this Nation, at a Time when every Year, every Month was furnishing us with a just Cause of War against *Spain*, and consequently with a good Reason for disturbing the Tranquillity of *Europe*, if we could, in order to have an Opportunity for taking our Revenge of the *Spaniards*, without Danger of their being assisted by any other Power in *Europe*.

Anno 14. Geo. II.
1740.

This, my Lords, was the Conduct of our Minister in Time of Peace; and since the War began, I am sure it has been no way mended. After what the noble Duke, who must be allowed to be a good Judge, had said upon the Subject, I was really surprized to hear it proposed, that this House should acknowledge the Minister's great Wisdom, in resolving to carry on this just and necessary War in the most proper Places, and in the most vigorous and effectual Manner. I wish the noble Lord had told us when the Minister took this wise Resolution, or how it appears that any such Resolution has been yet taken. I am sure, it does not appear from any thing yet done in any Part of the World. This Resolution ought certainly to have been taken, as soon as we resolved to begin Hostilities, and we ought to have begun Hostilities by carrying this Resolution into Execution: If we had done so, *Spain* would have been obliged to submit before this Time: We might have put an End to the War by the first Blow, if we had aimed it aright, and given it in the most vigorous and effectual Manner.

But instead of this, my Lords, we have done next to nothing. It is now a Year and a half very near, since we ought to have begun Hostilities; it is fifteen Months since we issued Orders for Reprizals; it is thirteen Months since we declared War: The War has already cost us three or four Millions, exclusive of the Loss our Merchants have suffered from Captures; and as yet we have done nothing besides taking a few Ships, and destroying a few Castles. I am far from endeavouring to depreciate the Service done by Admiral *Vernon* at *Porto Bel* and *Chagre*; it was a most signal and surprizing Service, considering how he was provided; but it is but a Trifle considering what we might have done, and what he would have done, had he been properly provided; and I will venture to say, it was neither intended nor expected by our Minister. Can we then acknowledge his great Wisdom in resolving to carry on the War in the most proper Places, or in the most vigorous and effectual Manner? I say, my Lords, the Minister's great Wisdom; for this is what must be intended to be meant by every Paragraph in our Address, that relates to any past Measure. In such Cases, it is not his Majesty's, but his Minister's great Wisdom we are to acknowledge; and thus his Tools without doors will be instructed to explain it to the People.

If your Lordships mean no such Thing, I hope you will be cautious of giving them any such Handle; for instead of giving any Man a Pretence to say, upon your Authority, that the War has been pushed in the most proper Places, or in the most vigorous Manner, I think you ought, as soon as possible,

possible, to enter into an Enquiry, why it has yet been pushed in a vigorous and effectual Manner in no Place whatsoever. Anno 14. Geo. II.
1740.

If we were in Danger at the Beginning of the War of having another Enemy, besides *Spain*, to engage with, it should have been a Reason for our pushing the War at the Beginning with all imaginable Vigour, and with all possible Dispatch, in order to force the *Spaniards* to a Submission, or to reap some signal and lasting Advantages for ourselves, before that other Power could be prepared for assisting them. But why should this Power be mentioned in our Address? They have not yet declared against us, and I am not for provoking such a formidable Power by Words; for Words sometimes irritate more than Deeds. If they should declare against us, or if they should attempt to prescribe or limit the Operations of his Majesty's Arms, we must stand upon our own Legs. I hope we shall shew them that we are able to defend ourselves, and make them repent joining with our Enemies. They labour under several Disadvantages I could name, but as I am for Deeds, when they become proper, and not for Words, which can never be proper, I shall mention none of those Disadvantages, because it might give Provocation, and can be of no Service. However, I may mention one Advantage they have over us: They have a Minister that is not only respectable, as they call it, but respected, both by the People and the King. This is a great Advantage, for it is of infinite Loss to a Nation to be under the Conduct of a Minister hated and despised by the People: It destroys or renders useless one Half of their Power; because their Enemies can do more with Half than they can do with double the Force. Therefore if we should at last be involved in a War against *France* as well as *Spain*, I hope this House will use their Endeavours, to have our Affairs put under the Conduct of those that have some Credit and Esteem among the People. If this House should now begin to use Endeavours for this Purpose, it might perhaps prevent the Nation's being engaged in such a heavy and dangerous War; for nothing can more encourage *France* to join against us, than the little Vigour we have yet shewn in the Prosecution of the War.

I know, my Lords, it has been said, in Excuse for our not having pushed the War with more Vigour and Dispatch, that we could not spare any of the Troops we had on Foot at the Beginning of the War; and that a Body of Land-Forces were sent to the *West-Indies* as soon as Troops could be raised, and a Squadron and Transport Ships provided for conveying and transporting them thither. Suppose this were true, it is very bad Policy, in the present Situation of the Affairs of *Europe*, to make use of the Argument. Does not every one

Anno 14. Geo. II.

1740.



know, that this Nation cannot be invaded by a great Force, as long as we have a superior Fleet at Sea ? A numerous Land-Army cannot therefore be necessary, unless the greatest Part of our own People be disaffected ; and will any one say, that we must have at least 30,000 Men in *Britain* and *Ireland*, to support the Government against the Disaffected ? Will this induce foreign States to put a Confidence in the Power of this Nation ? Will this give Weight to his Majesty's Negotiations, or enable him to form a Confederacy for supporting the Balance of Power in *Europe* ?

My Lords, the Revolution is a Proof, that when the People are generally disaffected, an Army is not to be depended on. If a small foreign Force should by any Means come safe ashore in favour of the Disaffected, both the People and the Army would join them, by which means those that had entered into an Alliance with his Majesty, might meet with the same Misfortune *France* met with, by joining in an Alliance with the late King *James* : They might thereby have the united Power of *Britain* thrown into the Scale against them. It is therefore a most unwise, a most wicked, and a most false Insinuation to pretend, that out of 30,000 Men, the Number of regular Troops we had in *Britain* and *Ireland* when the War began, we could not spare 4 or 5000 to be sent directly to the *West-Indies*. And it is as unwise, and as false to pretend, that we could not in a few Weeks have provided a Number of Ships sufficient for transporting them, and a Squadron sufficient for convoying them. At the Time of the Revolution, the *Dutch* provided a Squadron of fifty Men of War, and Transports for 14,000 Men, of which a great Number was Cavalry, in three Months Time, for accompanying the Prince of *Orange* to *England*. I say, my Lords, in three Months Time ; for it was in *July* that the first Resolution to assist the Prince of *Orange* was taken by the States General, and they prepared with such Expedition, that soon after the Beginning of *October*, a Fleet of 50 Men of War, 25 Frigates, 25 Fireships, and near 400 Transports, with an Army of 10,000 Foot, and 4000 Horse, were ready to sail, and actually did sail, upon the 19th of that Month. If the *Dutch* were able to fit out such a Fleet in three Months, shall it be pretended, will any one dare to insinuate, that the *British* Nation was not able to fit out a Squadron of 20 or 30 Men of War, and Transports for 6 or 7000 Men, all Infantry, in less than eighteen Months ? Those that make such Insinuations are, I am sure, more solicitous about making an Excuse for the Minister, than they are about the Character of their Country, or the Credit of their Sovereign.

Thus

Thus it appears, my Lords, that our present Situation, Anno 14. Geo. II. 1740.

dangerous as it must be confessed to be, is entirely owing to the Misconduct of our Minister; and I shall immediately shew, that the present unlucky Situation of the Affairs of *Europe* is chiefly owing to the same Cause. That the Affairs of *Europe* are at present in a most unsettled State, that the Balance of Power is in the most imminent Danger, is confessed by the Friends of our Minister, and is by them made an Argument for our approving of his Conduct. How just this Argument is, I shall leave to your Lordships to consider. The Affairs of *Europe* must be re-settled, the Balance of Power must be re-established, either by a most difficult Negotiation, or by a most dangerous War; and this Nation must, in either of these Methods, have a principal Share. If by Negotiation, shall we trust the Management of that Negotiation to those, who have been for 20 Years negotiating with *Spain*, and instead of adjusting any one Difference between the two Nations, have rendered every one of them more perplexed, and have at last negotiated us into a War? If by War the Affairs of *Europe* are to be re-settled, shall we trust the Management of such a dangerous War to those, who have for near 18 Months been carrying on a War against the languid and defenceless Kingdom of *Spain*, without reaping any one Advantage to their native Country, or doing any notable Mischief to the Enemy? The present unlucky Situation of the Affairs of *Europe* is, therefore, as strong an Argument as can be urged, for our enquiring into, instead of approving the Conduct of our Minister, and for our declaring in our Address upon this Occasion, as the noble Duke has desired, that we will exert ourselves in our high Capacity of hereditary great Council of the Crown.

If it could be said, that our Minister has had no Hand in bringing the Affairs of *Europe* into their present dangerous, I may say dreadful Situation: If it could be said, that their present Situation is entirely owing to unforeseen Accidents, and not to any Error in his Conduct; yet his Conduct with regard to *Spain* must convince every impartial Man, that he neither knows how to conduct a Negotiation, nor how to carry on a War. But can it be said, that he has had no Share in bringing the Affairs of *Europe* into their present distressed Condition, or that this distressed Condition is owing to any Accident? Can the Emperor's Death be called an Accident? Can the Death of any Man be called an Accident? My Lords, it is a true and a common Proverb, Nothing is more certain than Death: The Time is uncertain, but the Event is infallible; and therefore common Prudence directs us to provide as soon as possible, against every Misfortune that may

Anno 14. Geo. II. may ensue from a Person's Death. The House of *Austria* began early to provide against the Death of the late Emperor by the Pragmatic Sanction; and if we had early enough taken proper Measures for guarantying that Settlement, the present unfortunate State of *Europe* might have been prevented. The Pragmatic Sanction is far from being a late or a novel Invention; it is founded upon the *Pacta Conventa* in 1703, between *Leopold*, and his two Sons, *Joseph* and *Charles*: They were sensible of the Prejudice their Family would suffer by a Division of its Dominions, they foresaw the Danger that would ensue from a disputed Succession, and therefore they agreed, that the Females as well as the Males of their House should be established in the Right of Primogeniture. In 1713, this Agreement was drawn into the Form of a Settlement or Entail, and laid before the Emperor's Council, where it was confirmed, and the Pragmatic Sanction, the Name then given to it, established. In 1720, this Pragmatic Sanction was received and confirmed by the States of *Austria*, and soon after, an Application was made to us for our Guarantee. We had then an Opportunity of getting the Affairs of *Germany* so settled, as would have prevented any Disputes; but our present Minister, who then began to have a great Influence upon all our Measures, had, it seems, laid it down as a Maxim, to preserve a close Correspondence with the Court of *France*; and therefore, lest we should disoblige that Court, we absolutely refused the Suit made to us by the Court of *Vienna*, or to give ourselves any Trouble about the Misfortunes that might be occasioned by the Emperor's Death.

This, my Lords, threw the Emperor into the Arms of *Spain*, and the Affront soon after put by the Court of *France* upon that of *Spain*, together with our Minister's refusing the sole Mediation offered, for adjusting all the Differences subsisting between *Spain* and the Emperor, which he refused likewise for Fear of disobliging *France*, made *Spain* as ready to fly into the Arms of the Emperor, which produced the Treaty of *Vienna* between these two Powers in 1725. I shall say nothing, my Lords, of the terrible Phantoms our Minister took Occasion from this Treaty to frighten us with. The over-grown Power of the House of *Austria*, and that voracious Creature *Don Carlos*, that was to swallow us all up, must be remembered by every Man that has read or heard of the Transactions of those Times. Nor shall I trouble your Lordships with Remarks upon our Counter-Treaty of *Hannover*, which led us into such a Train of Blunders, Misfortunes, and Expence; because it has been often and sufficiently exposed. I shall only observe, that our Conduct after that,

that, for some Years, made it impossible for the Court of *Annot. Geo. III.*
Vienne to make any farther Progress in the Pragmatic Sanction, or in guarding against the Misfortunes that were like to ensue upon the Emperor's Death. At last, in 1731, our Minister, in order to get out of a Snare he had led himself into, agreed at once to an absolute Guarantee of the Pragmatic Sanction, without taking the least Care to adjust the Differences that subsisted between the House of *Austria* and the other Princes of *Germany*, and, I believe, without the least Thought how he was to make good that Guarantee; for even the *Dutch* were at first no Parties to that Treaty; though they were afterwards prevailed on to accede to it upon certain Conditions, by the good Conduct of a noble Lord I have in my Eye.

But the Difference between the *Dutch* Conduct and ours is, in this respect, very remarkable: We jump'd into this Guarantee without obtaining, without, I believe, asking any one Advantage for ourselves, for the Reason I have already assigned. The *Dutch* stood aloof for very near a Twelvemonth, and made use of this Handle to obtain, both from the Emperor and us, almost every Favour they could ask. They got us to interpose, and to procure a Peace for them with the *Algerines*, though it was very much our Interest to have prevented it; and they got us to interpose, and get a Difference then subsisting between them and *Denmark*, accommodated to their own Satisfaction, though it was our Interest to have protracted that Dispute. They got the Emperor to settle the Affair of *East-Friseland*, so far as he could, to their Liking; and to give them a Security for the Payment of a Sum of Money due to them on account of the Barrier in *Flanders*, besides several other Advantages: And at last they did not accede but upon Conditions, and not till after the Pragmatic Sanction had been guaranteed by the Diet of the Empire. Will any one say, that the *Dutch* are not as much concerned about preserving entire the Possessions of the House of *Austria* as we are? Will any one say, we are not as able to stand upon our own Legs as the *Dutch* are? We had, it is true, very little to ask from the House of *Austria* in favour of ourselves; but we might have obtained some Concessions in favour of some Princes, that would have made the Guarantee of the Pragmatic Sanction a less knotty Point than it is like to prove.

The Imperial Court having thus, as I have said, my Lords, obtained the Guarantee of this Nation, they immediately applied themselves to the Diet of *Ratisbon*, and got the Pragmatic Sanction established, and guaranteed by almost the unanimous Consent of the Princes and States of the

Ann 1740. Geo. II. the Empire, even before the *Dutch* had acceded to the Guarantee. The Electors *Palatine, Bavaria, Saxony*; and the little Bishop of *Freyfingen*, whom the Duke of *Bavaria* got to join with them, were the only Princes that protested against it: Of these the Elector of *Saxony* has since joined in the Guarantee; and the others did not protest against it on Account of any Claim that either of them pretended to the Whole or any Part of the Dominions of the House of *Austria*, but on Account of *Hungary* and those other *Austrian* Dominions being included in the Guarantee, which were properly no Part of the Empire.

From this Account your Lordships will see, that the Establishment of the Pragmatic Sanction was long delayed, even in the Empire itself, by the Blunders of our Minister, and by his most unaccountable Attachment to the Court of *France*. But this was not the sole bad Consequence of his Misconduct: The Pragmatic Sanction was guaranteed, but the Differences among the Princes of the Empire remained unadjusted, and no Care was taken for preventing Disputes about the Election of an Emperor, in Case of the Death of the then Emperor, before the Empire's having chosen a King of the *Romans*, both which Points might have been settled, if we had taken right Measures for that Purpose before guarantying the Pragmatic Sanction; but as one Blunder generally leads a Man into a second, and from that to a third, our Minister was drove headlong into this Guarantee by a Blunder he had committed in the Treaty of *Seville*.

This, my Lords, is one of the chief Causes of the present dangerous State of Affairs in *Europe*, and the other Cause is still more manifestly owing to his Misconduct. By his causelessly picking a Quarrel with the Emperor, on Account of the Treaty at *Vienna* in 1725, and by the Measures he took after the Treaty of *Hanover*, he restored and cemented an Union between the Courts of *France* and *Spain*, and threw a Bone of Contention between the Courts of *Madrid* and *Vienna*, which produced the War in 1733 against the Emperor; and by our Inactivity in that War, the Emperor was divested of the two *Sicilies*, and the whole Dukedom of *Lorraine* annexed to the Crown of *France*; and, which was worse than either, not only a Distrust, but a Sort of Resentment created in the Court of *Vienna* against this Nation, which makes me doubtful, whether the Death of the late Emperor was a Loss or an Advantage to us. But whatever it was to the Nation, I am convinced, it was an Advantage, at least a temporary Advantage, to our Minister; for while he continued in the Administration of our Affairs, and the Emperor

Emperor lived, *France* knew we could expect no Assistance Annor 14. Geo. II.
1740.
from the Court of *Vienna*. This left them at full Liberty to join with *Spain* against us; and they would probably have done so before this Time; but by the Emperor's Death their Attention was drawn another Way, which made them suspend declaring against us. The Emperor's Death was, therefore, a temporary Advantage to our Minister; but if we do not now play our Cards very dextrously, which, I am persuaded, it is not in his Power to do, this temporary Advantage may end in the Thralldom of *Europe*, and the Ruin of this Nation.

I hope, my Lords, I have now shewn, that whatever Danger there may be in the present Situation of the Affairs of *Europe*, it is entirely owing to the Misconduct of the Minister, whose Measures we are now desired implicitly to approve of; but though I must allow the Danger to be great, yet if this Nation acts with tolerable Prudence and Vigour, I do not think it near so great as it has been represented; and therefore I cannot think it was right to mention the Emperor's Death in the Manner in which it is mentioned in his Majesty's Speech. We ought not, in such an anticipated Manner, to suggest Jealousies and Fears about the Balance of Power and the Liberties of *Europe*. The Pragmatic Sanction is a Security against all Attempts upon either. Let us consider, my Lords, that the Pragmatic Sanction was but lately guarantied by *France* for a very valuable Consideration; and that no Power in *Europe* will attempt any thing against that Settlement without the Assistance of *France*. If the present *French* Ministers should begin to act against what they guarantied so lately as in the Year 1738, it would render them as odious as the *French* Ministry was in *Lewis* the XIVth's Time, which at last raised such a Confederacy against that Nation, as made their Grand Monarch tremble upon his Throne. Such a barefaced Breach of Faith would hang like a Load of Iron about their Necks: It would draw the Iron of all the Powers of *Europe* upon them; and therefore I cannot believe they will attempt any such thing, unless they are prompted to it by a supposed Timidity or Perplexity in the Counsels of this Nation. This they may perhaps, from our late Conduct, have some Ground to suppose; and for this very Reason, we ought to agree to the noble Duke's Motion, in order to shew them that our future Counsels are to flow from a very different Fountain.

Duke of Newcastle.

My Lords,

If the present Crisis of Affairs did not, in my Opinion, Duke of Newcastle, require from us something extraordinary upon this Occasion,

1740.

M m m

I should

Anno 14. Geo. II.

1740.

I should most readily agree to the noble Duke's Motion, because I think our Duty and Affection to his Majesty cannot be more strongly or more emphatically expressed, than they are in his Motion; but as several Circumstances of Affairs abroad require from us some particular Expressions of Duty and Affection adapted to those Circumstances, and as the noble Lord near me has taken care to make use of Expressions in his Motion extremely proper for this Purpose, I must be for our agreeing to the second Motion, though I have all imaginable Regard for the first, as well as I have for the noble Duke that made it.

The Objections I have hitherto heard against the second Motion are all founded upon a Supposition, which, I think, cannot be drawn from any thing expressed in the Motion. It is supposed, my Lords, that the second Motion contains an implied Approbation of all our past Measures. I heard the noble Lord make it; I afterwards heard it read over at your Table; I have since read it over by myself with the utmost Attention, and I protest I cannot find so much as an implied Approbation of any one Measure lately transacted. It contains indeed an express Approbation of some of his Majesty's Resolutions, which he has been pleased to mention to us in his Speech from the Throne; but those Resolutions, call them his Majesty's or call them the Minister's, which your Lordships will, are such as, I am certain, no noble Lord in this House, nor any Man in the Nation, that wishes well to his Country, will disapprove of. His Majesty has told us, that he is resolved to carry on the War in the most proper Places, and in the most vigorous and effectual Manner; in Answer to which the noble Lord proposes, that we should acknowledge his Majesty's great Wisdom, and his Adherence to the true Interest of his Kingdoms, in resolving to carry on the War in the most proper Places, and in the most vigorous and effectual Manner. We are not to thank his Majesty for having carried on the War in the most proper Places, or in the most vigorous and effectual Manner; we are only to acknowledge his Wisdom in having resolved to do so: And is not this a right Resolution? Is there any Man in the Kingdom will say it is wrong?

By this therefore we do not approve of any past Measure; we do not approve of any thing that has been done; we only approve of what his Majesty resolves to do, and this every one of your Lordships must approve of, whether you express it in your Address or no. It is the same with regard to the other Resolution, and the only other Resolution referred to by any thing proposed in the second Motion. His Majesty in his Speech has told us, that if
any

any other Power should interpose, and attempt to prescribe or limit the Operations of his Arms, he is resolved not to be diverted or deterred by that or any other Incident, from those just or vigorous Measures which he is pursuing, for maintaining the Honour of his Crown, and the undoubted Rights of his People; and in Answer to this, it is proposed by the second Motion, that we should acknowledge his Majesty's Wisdom, and his Adherence to the true Interest of his Kingdoms, in not suffering himself to be diverted or deterred from carrying on the War in the most proper Places, and in the most vigorous and effectual Manner. Is this so much as an implied Approbation of any late Measure, or of any thing that has been done? Is it any more than an Approbation of his Majesty's Resolution not to suffer himself to be diverted or deterred? And is not this a Resolution that every Well-wisher to this Kingdom must approve of?

Annor 4 Geo. II.

1740.

The other Parts of his Lordship's Motion contain nothing but Assurances, and, I think, very proper and very necessary Assurances, of our concurring with and supporting his Majesty in all proper Measures, for vindicating and defending his Majesty's Dignity and Honour against any Insults, for frustrating any Designs formed against us, and for maintaining the Balance and the Liberties of *Europe*. Therefore, my Lords, the late Conduct of our Ministers, or if your Lordships please, the Minister, has nothing to do in this Debate, nor is it absolutely necessary to answer any of the Objections that have been made to it; but as I think myself personally concerned, I hope your Lordships will forgive me, if I endeavour to vindicate some of those Measures that have been found fault with, especially as I am resolved, in doing so, to take up as little of your Lordship's Time as possible. The noble Lord that spoke last, whose Knowledge in political Affairs is very extensive, and whose Judgment I shall always have a great Regard for, has been pleased to inform us of a Fact which, I confess, I was before an utter Stranger to. As I do not pretend to any great Knowledge of those Affairs in which I have had no Concern, I shall readily own, that I knew nothing of any Application's having been made to us by the Court of *Vienna*, for our Guarantee of the Pragmatic Sanction, so early as soon after the Year 1720. But if such an Application was made, and we at that Time refused the Request, I cannot think it was for the Reason the noble Lord has been pleased to assign: There might be several other Reasons, and even the noble Lord himself has been pleased to hint something of what was, I believe, the true Reason. At that Time there were several Differences subsisting between the Court of

Ann^o 14. Geo. II.
1740.

Vienna and some of the other Powers of *Europe*, particularly *Spain*. We perhaps thought the Court of *Vienna* a little intractable, as has often been the Case, and that therefore it was proper for us to delay yielding to their Request, till we should get them to make such Concessions as might engage other Powers, particularly *Spain*, to join with us in that Guarantee. If this was the Reason for our refusing our Guarantee at that Time, it was a very prudent Reason, even according to the noble Lord's Method of arguing; and it is more probable, that this was our Reason, than that any unaccountable Attachment to the Court of *France* could be the Cause of our delaying at that Time to guaranty the Pragmatic Sanction.

However, my Lords, it is very probable the Court of *Vienna* conceived a Resentment against us upon that Account, which Resentment was soon after very much heightened by the Dispute about the *Ostend* Company; and as *Spain* had likewise a Resentment against us, on Account of our refusing to deliver up *Gibraltar*, which, they said, the late King had promised, this joint Resentment threw these two Courts into the Arms of one another, and made them join in those unjust and dangerous Engagements, which they entered into by the secret Articles of the Treaty concluded at *Vienna* in 1725. These Engagements, my Lords, made it necessary for us to concert and conclude the Treaty of *Hanover*; and when by that Treaty, and the wife and vigorous Measures we took in Pursuance of it, both the Emperor and *Spain* saw it was not in their Power to hurt us, or to support the *Ostend* Trade in Defiance of us, or, in short, to carry any of their Projects against us into Execution, the Court of *Vienna* found it necessary to reconcile themselves to us by sacrificing their *Ostend* Company, and the Court of *Spain* by giving up the Pretensions they made to *Gibraltar*. We had then an Opportunity to reconcile ourselves with both these Courts, which it is always our Interest to do as soon as we can upon reasonable and honourable Terms; and to reconcile them with one another, which it is the Interest of *Europe* as well as ours to have done, provided that Reconciliation be founded upon a Design to preserve, and not to disturb the Tranquillity of *Europe*. This we did by getting the Emperor to consent to the Introduction of *Spanish* Troops into *Italy*, and by getting *Spain* to join with us in the Guarantee of the Pragmatic Sanction, both which we accomplished in the Year 1731.

Thus, my Lords, it appears, that our Delay in guarantying the Pragmatic Sanction, was not owing to any Misconduct in our Ministers, but to the Misconduct of the Court of *Vienna*,

Vienna, in setting up an *East-India Company at Ostend*, contrary to the Title by which they held the *Netherlands*, and in entering into such Engagements with *Spain*, as could not but raise the Indignation, as well as Resentment of this Nation. The Haughtiness and Obstinacy of that Court are well known: It required a long Time as well as vigorous Measures to prevail with them to make proper and just Concessions to us, to the *Dutch*, and to the *Spaniards*. As soon as we found them willing to do this, we guarantied the Pragmatic Sanction: The Court of *Spain* very soon after did the same; and if the *Dutch* did not immediately come into that Guarantee, it was owing to their Form of Government, which made it necessary for us to lead the Way, in order to furnish an Argument to that Party amongst them that were for the Guarantee, for prevailing with those that were against it.

Anno 14. Geo. II.
1740.

But, suppose, my Lords, the *Dutch* had absolutely refused to guaranty the Pragmatic Sanction; suppose they did not or would not see their real Interest, was that a Reason for us to neglect ours? Suppose they lie by, or perhaps assist in overturning the Liberties of *Europe*, would that be a Reason for us to do the same? We were therefore in the Right to agree to that Guarantee, as soon as we found the Court of *Vienna* ready to do what was proper for that Purpose; and if any Disputes remained among the Princes of the Empire, if no Method was settled for preventing Disputes about the Election of an Emperor, it was owing to the Nature of Things, and not to any Misconduct in us; for if the Guarantee had been delayed, till all these Matters should be settled, I am convinced, it would never have been agreed to. These Disputes might have remained, but the Pragmatic Sanction's being guarantied by the Empire, by *Muscovy*, by *Spain*, and by *Great Britain*, if all the Parties had been sincere, and the Court of *Vienna* satisfied with the Security they had obtained, would have prevented any Power in *Europe* from daring to disturb the Tranquillity thereof, on Account of any of those Disputes. But the Insincerity of *Spain*, which soon afterwards appeared, could neither be foreseen nor provided against; nor could it be imagined, that the Court of *Vienna* would enter into a Concert with *Muscovy* for over-awing the Election, and forcing a King upon the Republic of *Poland*.

This, my Lords, leads me of course to consider our Conduct when the War broke out between *France* and the Emperor. It is very certain, that War was occasioned by the Conduct of the Court of *Vienna* with regard to the Affair of *Poland*; and we are here to consider, that the only

Attachment

Anno 14. Geo. II. 1740. **Danger of having our domestic Tranquillity interrupted by an Insurrection or Invasion ; and I am sure, the best Way for enabling ourselves to prosecute the War Abroad with Vigour, is to preserve the Tranquillity at Home with Care.**

But suppose, my Lords, we could have spared some of our Land-Forces, we could not get Seamen enough at first for fitting out all the Squadrons we had occasion for, and for providing a sufficient Number of Transport-Ships. We had been for a long Time in profound Peace, for which, I think, we ought to thank our Ministers, though several Lords seem now to be of a contrary Opinion. We had seldom, for many Years, had occasion to fit out any great Number of Men of War ; by which our national Stock of Seamen come by Degrees to be reduced to a Number scarcely sufficient for carrying on our Trade, and for Manning the Number of Ships of War we usually keep in Commission in Time of Peace. At the Beginning of this War we were obliged to keep one very strong Squadron upon our own Coasts, especially as *Spain* was actually preparing to invade us, and as we were not very sure what another Power might do, if we had laid ourselves open to an Invasion : We were obliged to employ a great many Ships of War for convoying and protecting our Trade ; and we were obliged to keep a strong Squadron in the *Mediterranean* for protecting *Gibraltar* and *Minorca*, especially the latter, which was actually threatened with an Attack. These Preparations, which were indispensable for our own Defence, made it impossible for us to provide, at the very Beginning of the War, such a powerful Squadron, and such a Number of Transports, as were necessary for making a vigorous Attack upon the Enemy in the *West-Indies*. This was at the very Beginning of the War resolv'd on ; Preparations were made for it with the utmost Expedition ; and if the Fleet had met with a fair Wind as soon as it was ready, we might perhaps, before now, have heard some joyful Accounts of its Success.

I have now, I think, my Lords, answered all the Objections that have been made to our Conduct, or to the Motion which the noble Lord was pleased to propose ; and shall conclude with giving my Reasons for preferring his Motion to that made by the noble Duke.

My Lords, I am far from finding fault with any of the Expressions contained in the noble Duke's Motion, and I believe, if they are understood in the Sense he meant them, no Objection can be made to any one of them. However, I must observe, that there are some Words in what
he

he has proposed, which, I think, in Prudence ought to be left out, because they may be misunderstood ; and if they should, it would of course occasion a Breach between the two Houses, which, in the present Conjunction, would be of the most fatal Consequence. When I say this, I am persuaded every one of your Lordships supposes, that I mean the Words, "To which all other Councils are subordinate and accountable." This Expression is so general, that I am afraid it may be misunderstood by the other House. I am convinced the noble Duke does not mean any such thing, but I am afraid, should we make use of such an Expression in our Address, the other House would suppose, we thereby meant to assert some sort of Jurisdiction over them, which would of course make them insist upon an Explanation ; and the two Houses might very probably disagree about the Terms of this Explanation.

Therefore, my Lords, if we were to agree to this Motion, I think an Amendment ought to be made, by leaving out these Words, before we agree to it ; but I think the Whole, as well as this particular Expression, is too general. I shall admit that the noble Duke, so far as he goes, has expressed himself, as he always does, in the strongest and clearest Terms ; and for this Reason, I hope, your Lordships will avoid putting a Negative upon the Motion : But the present Conjunction of Affairs, both foreign and domestic, is so critical, that we ought not to content ourselves with general Expressions of Duty and Affection to our Sovereign, however strong, however clear those Expressions may be. His Majesty has in his Speech repeated to us his Resolution to prosecute the War in the most proper Places, and in the most vigorous and effectual Manner : This is a right Resolution, and our approving of it in a particular Manner, will have great Weight with our declared Enemies, in making them resolve to submit betimes to reasonable Terms. His Majesty has in his Speech insinuated some Danger of another Power's attempting to limit the Operations of War against our declared Enemies, but that he is resolved not to be diverted or deterred from those just and vigorous Measures he is pursuing : This is a right Resolution, and our approving of it in a particular Manner will certainly be of great Advantage to the Nation ; it may alter the Resolutions of our secret Enemies ; when they see that both the King and Parliament of *Great Britain* are resolved not to be diverted or deterred from prosecuting the War in the most proper manner for bringing it to a speedy and happy Issue, it may prevent their daring to attempt what they are at present perhaps resolved to attempt ; and our declared Enemies being thus rendered

Anno 14. Geo. II.
1740.

dered destitute of all Hopes of Succour from our secret Enemies, they will immediately think of avoiding the Storm which, they will then see, can be avoided no other Way, but by a speedy Submission to what they themselves must confess to be reasonable.

Thus, my Lords, with regard to our own Affairs, it will be of great Advantage to the Nation, and therefore I think it absolutely necessary for us to give his Majesty upon this Occasion, in a particular manner, our Thanks for the vigorous Resolutions he has taken, and the strongest and most particular Assurances, that we will stand by and support him in those Resolutions. And with regard to the Affairs of *Europe*, can we at such a critical Conjunction omit to assure his Majesty, that we will stand by and support him, in adhering to the Engagements he is under, for maintaining the Balance and Liberties of *Europe*, on the Event of the late Emperor's Death? We know, my Lords, what a brittle Thing a Treaty is, let it be never so solemn. The Pragmatic Sanction is, it is true, guarantied; but to those that are willing, the Election of an Emperor may probably furnish a Loop-hole for getting out of that Guarantee; and our neglecting upon this Occasion to return a proper Answer upon this Subject, would shew such a Lukewarmness in the Parliament of *Great Britain*, with regard to the Balance and Liberties of *Europe*, as might very much encourage those who are already too willing to encroach upon both. For these Reasons, my Lords, I think we ought to take Care, in our Address upon this Occasion, to return a proper and a particular Answer upon each of these Heads; and as the noble Lord, in the Motion he has been pleased to make, has expressed himself in the handsomest manner upon each of these Heads, I must give it the Preference to that made by the noble Duke; but as the latter, so far as it goes, is so genteely, and at the same Time so warmly expressed, I would not have a Negative put upon it; and therefore, in order to come at the second Motion, I shall take the Liberty to move your Lordships for the previous Question with regard to the first.

Earl of *Chesterfield*.

My Lords,

Earl of *Chesterfield*.
fr. d.

As I never did, as I hope I never shall desire to screen myself, or any of my Friends behind the Throne, I shall always be cautious of bringing his Majesty's Name into any Debate in this House; but upon this Occasion I must be more cautious than usual, because in this Debate it is impossible to argue with that Freedom which becomes a Member of this House, without taking such Liberties with our past Measures, and what are said to be our present Resolutions,

as would ill suit with the Name of Majesty: Therefore, Anno 14. Geo. II.
1740.
when I talk of Measures or Resolutions, I shall do what every Lord in this House ought; I shall substitute the Name Minister instead of Majesty, and I hope your Lordships will do me the Justice to suppose, that whatever I may say, however I may express myself, it is far from my Heart to intend the least Reflection upon my Sovereign.

I shall likewise, my Lords, be at all Times extremely cautious of giving Praise, either to the Measures or the Resolutions of Ministers; because their Measures are often wrapt up in such Clouds, that I cannot clearly discern them, and their secret Resolutions are too often contrary to their open Professions. But when I see Ministers begging hard for a little Incense, and endeavouring to have a Motion rejected, with which even they themselves can find no Fault, in order to make Room for Encomiums which they themselves have prepared, I shall always then be for denying their Request, till I have examined into their Merit. *Latet anguis in herba*, I shall then think a most reasonable and necessary Suspicion, and therefore I shall be for turning over, and searching narrowly into the Weeds under which the Serpent may lie concealed, before I set a Foot in any of those Steps which they desire me to tread.

As the Minister's Resolutions are chiefly the Subject of this Debate, it is proper I should begin with them; and here, my Lords, I must observe, that it is very unusual, if not unprecedented, for this House to thank or applaud any Minister for his Resolutions. I have heard of Ministers, Generals, and even private Men getting the Thanks and Applauses of this House for important Services rendered to their Country; but I do not remember to have ever heard of any Man's getting the Thanks of either House of Parliament for a Resolution, he said, he had taken. Therefore, so far as I remember, what is now desired of us must be allowed to be without Precedent; but this I should have no great Concern about, if I thought it would likewise be without Consequence. The necessary Consequence of our acknowledging the Wisdom of any Resolution will be this: The World will from thence suppose, that we were fully convinced of the Minister's having taken such a Resolution; and if it should afterwards appear from his Conduct, that he had never taken any such Resolution, what will the World think of our Penetration and Integrity? They must condemn either one or t'other; they will, probably, condemn both; and of what fatal Consequence this may be to that Character which we ought to preserve both at home and abroad, I shall leave your Lordships to judge.

Anno 14. Geo. II.

1740.



After what is premised, I shall beg Leave, my Lords, to examine the Resolutions which the Minister tells us he has taken. He says, he has resolv'd to prosecute the War in the most proper Places, and in the most vigorous and effectual manner. My Lords, he told us the same thing at the Close of last Session: Can any one say, that it has since been prosecuted in any Place, or in any Manner? We must therefore conclude, either that the Resolution was not then taken, or that it has since been altered; and is this a Reason for our believing that it is now taken, and that it will be pursued, only because he says so? A formidable Squadron with a Fleet of Transports has now sail'd, very lately, my Lords; but it is not the first Time he has sent out formidable Squadrons to do nothing. As the same Minister formerly sent out a Squadron to persuade the *Spaniards* to give up their Ships, this Squadron may perhaps be sent out to persuade the *Spaniards* to give up their Settlements, and their Persuasions will, I am convinced, have as little Effect. I therefore wish your Lordships would suspend your Acknowledgments, till you are convinced of the Resolution's being taken, by its Effects. I am sure, from the Minister's past Conduct, your Lordships have no Reason to believe, that he will ever prosecute any War, or any foreign Measure in which there is the least Difficulty, with Vigour and Effect. After the Treaty of *Hanover*, he prosecuted a War against the *Spaniards*, or at least he allowed them to prosecute a War against this Nation, for above two Years: Did he on his Part prosecute it with Vigour or Effect? He has been negotiating with the *Spaniards* ever since the Treaty of *Seville*, about obtaining Satisfaction for past Injuries, and Security against future: They indeed, during most of that Time, prosecuted their Depredations with Vigour and Effect; but can it now be said, that he negotiated with Vigour or Effect? He has now been prosecuting open Hostilities against *Spain* for near seventeen Months: Has he yet done any Thing? Has he attempted any Thing that, had it prov'd successful, would have compelled that haughty and obstinate Nation to submit to equitable Terms? Does not the World know, does not the World stand amazed, that we have not as yet done any Thing? Does it not seem as if some malign Planet hung over our Counsels, and retarded or disappointed every vigorous Resolution? And shall we upon an *Ipse Dixit* acknowledge the Wisdom of such a Minister, in resolving to prosecute the War in the most proper Places, and in the most vigorous and effectual manner?

Another Resolution, my Lords, which we are to acknowledge the Wisdom, and thereby confess the Truth of, is, that
our

our Minister has resolved not to be diverted or deterred from Anno 14-Geo.II. the just and vigorous Measures he has resolved to pursue, by the Attempts of any Power whatsoever to limit, or prescribe Bounds to our warlike Operations. Here, my Lords, are two Facts which we are to affirm the Truth of, without the least Ground but the Minister's *Ipse Dixit*. We are to affirm, that some foreign Power threatens, or seems inclined to attempt to limit the Operations of the War on our Side; and we are to affirm, that our Minister has resolved not to be diverted or deterred by those Threats or Appearances. These are two Facts which we are to affirm the Truth of, at least the whole World will conclude, that we believe them to be true, if we should agree to what the noble Lord has proposed; and I wish the noble Lord that made the Motion, or any other Lord, would shew me, what parliamentary Authority we have for believing either.

Our Gazettes, I know, my Lords, have told us, that the *French* have sent two Squadrons to the *West-Indies*; and from the Nature of Things we may suppose, that they will endeavour to limit our warlike Operations against *Spain*, because it is their Interest to do so, if they find they can do it without exposing themselves to great Danger. But is a common News-Paper an Authority upon which we can found any Resolution? My Lords, as Members of this House, we do not know that they have sent a Ship to the *West-Indies*, nor do we know that they have ever made the least Insinuation of their being resolved to interpose in the War between us and *Spain*; and, I am sure, it is no Compliment to our Minister to imagine that they will dare to interpose, because we must grant that he has negotiated to very little Purpose, if the *French* have any Ground to think that they may support *Spain* in such an unjust War against this Nation, without exposing themselves to any great Danger. We have therefore no parliamentary Authority for believing that the *French* will attempt to limit our Operations of War against *Spain*, nor have we any Authority from the Nature of Things, without supposing that the Minister deserves to be censured, instead of having his Wisdom acknowledged.

But suppose, my Lords, we had a parliamentary Authority for believing, that the *French* have sent their Squadrons to the *West-Indies*, and that they have sent them thither with a Design to limit our Operations against *Spain*, as they have not yet openly and publicly declared their Design, I think, it would be wrong in us to take Notice of it in our Address: I think it was wrong to put any Words relating to it into his Majesty's Speech. It is a sort of Boasting, which is never right either in public or private Life. Let us do,
my

Ann^o 14. Geo II.

1740.



to an open Rupture with the Emperor ; because their Company, by lessening their Profits for a few Years, might have ruined the *Ostend* Company, without engaging their Government in the Dispute. But as the *Ostend* Company would have interfered very much with the *French India* Trade, then in its Infancy, and as our Minister was under the Influence of the Court of *France*, he was prevailed on to represent the *Ostend* Company, as an Affair of the utmost Consequence to this Nation, and to make it a Condition *sine qua non* in the Continuation or Renewal of our Friendship with the Emperor.

There was therefore no one Reason in the World, besides the Influence of the Court of *France*, that could induce this Nation to conclude the Treaty of *Hanover* ; and much less was there a Reason for our taking those Measures afterwards which put this Nation to so great Expence, run it into such a Labyrinth of Negotiations, created an open Rupture between us and *Spain*, and had like to have led us into a War, in Conjunction with *France* and *Spain*, against the Emperor. If the Design of the Treaty of *Vienna* had been to attack this Nation or the *Dutch*, we were sufficiently provided for our Defence, and even for assisting the *Dutch*, without putting ourselves to any new Expence, till after the Attack had been begun ; and if the Design of that Treaty was to attack the *French*, I am sure it was none of our Business to prevent it.

I was really surprized to hear the noble Duke assert, that by the Treaty of *Seville* the *Spaniards* gave up their Pretensions to *Gibraltar*. By that Treaty, my Lords, they gave up nothing ; all their Disputes with us, and all the Pretensions they had set up against us, were left in Suspence ; and we expressly yielded up a Point which was of the most pernicious Consequence to the Affairs of *Europe*, and was a new Demonstration of the Influence the Court of *France* had over our Minister. I mean the Introduction of *Spanish* Troops into *Italy*, which we not only consented to, but engaged to assist in making it good. This was like to have engaged us in a War against the Emperor ; and to avoid this, which our Minister foresaw, no *British* Parliament could be prevailed on to approve, he was led on to the precipitate and ill-conducted Treaty with the Emperor in 1731, by which he guarantied the Pragmatic Sanction in the most absolute Terms, and engaged in a defensive Alliance with the Emperor, as express and general as any that could be concluded.

This Treaty stood in full Force in the Year 1733. The Emperor had done nothing I know of to disoblige us : Therefore,

fore, to know whether we were obliged to assist him at that Anno 14. Geo. II.
Time, when he was attacked by *France*, *Spain*, and *Sardinia*, we must consider the Affairs of *Poland*, which, the
1740.

French pretended, were the Cause of that Attack. I shall not enter into the Dispute, whether *Augustus* or *Stanislaus* was duly elected King of *Poland*: Perhaps neither of them was; but this I will say, that it was of dangerous Consequence to the Balance of *Europe* to have *Stanislaus* in the quiet Possession of that Crown; therefore we ought to have concurred with the Emperor in all peaceable Methods for preventing his Election; and if the Emperor brought a War upon himself by what we either did or ought to have concurred with him in, I think we were in Honour bound to assist him, even tho' there had been no defensive Alliance between us. But the Point of Duty was not then the only Point we had to consider; the Point of Interest was of greater Weight; and considering the Disputes we then had with *Spain*, it was our Interest at any Rate to preserve a close Correspondence with the Court of *Vienna*. The Preservation of the Balance of Power in *Europe* was not then the only Attachment we had to that Court: Our own immediate Safety was another and a stronger Attachment. We might have foreseen what we are now so much afraid of; we might then have foreseen the Danger of having *France* and *Spain* united in a War against us; and therefore, for our own immediate Safety, we ought to have supported at any Risk our Alliance with the Court of *Vienna*, unless we were resolved to bear with the Insults and Depredations of *Spain*, as long as they had a mind to continue them; which was, perhaps, the Resolution of our Minister, and a Resolution he seem'd resolv'd to stand to, if the Spirit of the Nation had not forced him to alter it.

The War therefore is no Proof of any Alteration in his Conduct, farther than he is forced to by the Spirit of the People; and the Prosecution hitherto gives some People a Suspicion, that he designed it rather as an Amusement for our own People, than as a Method for compelling the Enemy to do us Justice: At least, I am sure, we have as yet no Proof of his not being diverted or deterred, by the Menaces of *France*, from prosecuting the War in a vigorous and effectual Manner; and as I have shewn, that in other Parts of his Conduct, he has been often deterred by the Court of *France* from doing what he ought to have done, and even influenced by them to do what he ought not to have done, I think we ought to wait for such a Proof before we make him any Acknowledgments upon that Head.

Ann^o 14. Geo. II.
1740.

For this Reason, my Lords, I cannot agree to that Part of the noble Lord's Motion, which proposes our making Acknowledgments to the Minister for his Wisdom in the Resolutions he has taken; and as for the Assurances proposed to be made to his Majesty, I think they are all contained in what the noble Duke has proposed, and much more strongly and sublimely expressed. The Sublime is always Laconic; and the noble Duke has taken Care to express himself in the most Laconic, and the most comprehensive Manner. I shall never be against making the strongest Professions of Duty and Affection to his Majesty; but let us do it with Dignity: Zeal may sometimes carry Men too great a Length: I remember a Gentleman once said in the other House, he would sacrifice his Life and Fortune, and more if it was necessary, to the Service of his Sovereign. I do not say there is any such Blunder in what the noble Lord has been pleased to propose; but I think his Professions and Assurances are a little too much exaggerated, and by being too they are weakened. To assure his Majesty that we will stand by him with our Lives and Fortunes, in the Prosecution of the just and necessary War in which he is engaged, is as much as we can say with regard to the present War; and if your Lordships think it necessary, you may add, or in any War in which his Majesty may be necessarily engaged, for maintaining the Balance and Liberties of *Europe*, on the Event of the late Emperor's Death.

The Lord *Cholmondeley*.

My Lords,

Lord *Cholmondeley*.

I believe it will be found upon Examination, that no Custom, good or bad, was ever introduc'd without some Reason; and by enquiring into the Reason or Cause of any Custom's being first introduced, we may generally determine, whether it be in itself good or bad. The Custom, therefore, of returning in our Address, a particular Answer to every Thing the King is pleased to communicate to us by his Speech from the Throne, let it be a bad or a good Custom, is not without its Cause; and that Cause, I believe, is to be found among the many good Alterations that were made in our Constitution by the happy Revolution. Before that Time, our Kings were seldom very fond of Parliaments, and consequently not very fond of communicating their Measures to them. They seldom communicated to Parliament, either what they had done, or what they intended to do; and no Wonder, for their Measures were generally such, as they knew the Parliament would not approve of. Whilst this continued to be the Case, there is nothing strange in seeing the Addresses of both Houses of Parliament conceived

conceived in general Terms; for the Parliament could not descend to Particulars, when nothing particular had been said to them in the Speech from the Throne. But as the public Measures, since the Revolution, have generally been such as were design'd, at least, for the public Good, they have been particularly communicated to Parliament, at the Beginning of every Session, by the Sovereign's Speech from the Throne; and this, most reasonably, I think, introduced the Custom of our being a little more particular in our Addresses, by way of Answer to that Speech.

Another Reason, my Lords, for introducing this Custom, may be drawn from the different Methods of granting the Sums necessary for the Support of our Government. Before the Revolution, all the Sums necessary for the Support of our Government were granted in general, and without appropriating any particular Part of them to any particular Service; but since that Time, particular Clauses of Appropriation have been introduced. The Sums necessary for the Support of the Civil List, are granted at the Beginning of each King's Reign, for the Term of the King's Life, and are particularly appropriated to that Service; but with regard to all other Services, the Sums necessary for them are granted but from Year to Year by Parliament, and are all appropriated by Parliament to their particular respective Services, which creates a much greater Dependence in the Crown upon Parliament, and makes it necessary for the Sovereign to communicate particularly to his Parliament the Measures he intends to pursue, as far as they can be communicated consistently with the public Good; and this again makes it necessary for us to be a little more particular in those Addresses, which are intended as Answers to his Majesty's Speech from the Throne.

These, my Lords, I take to be the Reasons for introducing that Custom, which is now so much exclaimed against, and which we are desir'd to abolish, tho' the Reasons for it are now as strong as they were when the Custom was first introduced. I believe none of your Lordships will find fault with any of the Alterations which gave Birth to this Custom: I believe they will be allowed to be both prudent and necessary; and therefore, I cannot condemn a Custom, which appears to be founded upon Alterations so highly commendable. At least, I shall not condemn it, till I see it producing Effects much worse than any I can at present apprehend from it. It is a sort of mutual Complaisance between King and Parliament, which, in my Opinion, can never produce any bad Effect; because it is allowed to be of no such Authority, as to influence any of our future Proceedings: And as the

Annor 4. Geo. II.
1740.

Anno' 14. Geo II.
1740.



Custom has been now so long established, I think, we cannot alter it, without giving the World Cause to think, that we disapprove some Part of what his Majesty has been pleased to communicate to us in his Speech from the Throne, which, I am convinced, is not what your Lordships intend; because, I think, his Majesty has said nothing in his Speech but what your Lordships must approve. You must approve his Majesty's resolving to push the War in the most proper Places, and in the most vigorous and effectual Manner: You must approve his being resolved not to be diverted or deterred from prosecuting these Measures, by the Threats or Attempts of any Power whatsoever; and you must approve his Majesty's being resolved to adhere strictly to the Engagements he is under, for maintaining the Balance and Liberties of *Europe*, on the Event of the late Emperor's Death.

These, my Lords, are all of them wise and good Resolutions: Let them be his Majesty's Resolutions, as I am convinced they are, or let them be the Minister's Resolutions, as it is possible they may, they are such as your Lordships must approve of. Let them be taken, or not taken, pursued or altered, still they are such as must be approved by every Man that wishes well to his Country; and as his Majesty has mentioned them in his Speech, your Lordships ought, I think, to testify your Approbation of them by mentioning them in your Address. If I thought that those concerned in the Administration had not come to any such fix'd Resolutions, notwithstanding what his Majesty has said in his Speech; or if I thought that any one, who has the Honour of being admitted into his Majesty's Councils, would advise him to alter, or not to pursue these Resolutions; so far from its being an Argument with me, not to say any Thing of them in our Address, it would be an Argument for our mentioning them in the most particular Manner, and approving of them in the most express and peremptory Terms that could be invented; and the Reason is very plain: If such Resolutions are not already taken by every one concerned in the Administration, a strong Recommendation of them from this Assembly would compel their being immediately taken: If there were a Probability, that some one in his Majesty's Councils would advise him not to pursue these Resolutions, a particular and express Recommendation of them from this august Assembly would deter the Boldest from giving his Majesty such pernicious Counsel.

This Consideration, my Lords, is with me a most prevalent one for agreeing to the noble Lord's Motion. It will enforce those Resolutions, which his Majesty has been pleased to tell us he has come to. It will shew his Ministers what Advice

Advice they ought to give him, and what Advice they must not dare to give him: It will shew our Enemies, both secret and revealed, what they must expect; and it will shew our Friends, both abroad and at home, what they may hope for from his Majesty's Arms, not only in the present War, but in any other his Majesty may be necessarily engaged in, for preserving the Balance and Liberties of *Europe*. These will, I think, be the Effects of our agreeing to the noble Lord's Motion; and as there is nothing in it that implies the least Approbation of any past Measure, or that can any Way prevent our enquiring into past Measures, and censuring such of them, as may upon Enquiry appear to be wrong, there is not, I think, the least Danger in our agreeing to it; but in altering our Method of Addressing at this critical Conjunction, which will be the Consequence of our agreeing to the noble Duke's Motion, I think there is not only great Danger, but some sort of Injustice. The noble Lords who have argued in favour of the first Motion, have said, That we ought not to approve, or to say any Thing that may look like an Approbation of past Measures, without a previous Enquiry. I am sure we ought as little to do any Thing that may look like a Censure of past Measures, without a previous Enquiry; and as our forsaking a Custom that has been so long established, will, in my Opinion, look very like a Censure of past Measures, I shall therefore be against altering our Method of addressing, especially as there is nothing now proposed, that can look like an Approbation of any past Measures, or our consenting to any future Measures, but such as must be approved of by every Man in the Nation.

But suppose, my Lords, we were now to alter that Method of addressing, which has obtained for so many Years: Suppose we were now to return to the ancient Method of addressing his Majesty in general Terms, and without taking the least Notice of any Thing he has been most graciously pleased to communicate to us in his Speech from the Throne; yet, even according to this Method, I do not think, the noble Duke's Motion can answer the Purpose which every Lord, who has spoke in this Debate, seems to intend. If we are in our Address to make only some general Professions of Affection and Duty to his Majesty, surely those Professions ought to be as general and as explicit as possible; which is far from being the Case with regard to what the noble Duke has been pleased to propose. He has proposed, for us to assure his Majesty, that we will stand by him with our Lives and Fortunes, in the Prosecution of the just and necessary War in which he is engaged. Is this, my Lords, a general Profession of our Duty to his Majesty? Is it not a limited

Pro-

Anno 14. Geo. II. Profession, confined to the Prosecution of the present War ?
 1740.

Are we not in Duty bound to stand by his Majesty with our Lives and Fortunes against all his Enemies? Why then should we confine it to his Enemies in the present War? This Part of the noble Duke's Motion, I am persuaded, your Lordships will agree, stands in need of some Amendment, before it can be agreed to, even according to this favourite Plan of addressing in general Terms; and as to the other Part of it, I must think it a sort of Deviation from that very Plan now so warmly contended for.

My Lords, if we are to keep in such general Terms, as to say nothing of what has been done, or is to be done, why should we come to be so particular as to what we ourselves are resolved to do? That we are the hereditary great Council of the Crown, has never, I am sure, of late Years, been denied, and therefore I can see no Reason for our asserting that Character upon the present Occasion; but if it were, from any late Transaction, become necessary for us to assert this Character, I think it would be quite unnecessary and even dangerous to add the Words, *To which all other Councils are subordinate and accountable.* The other House of Parliament has always assumed the Character of being one of his Majesty's Councils, and I believe they will not admit, that they are either subordinate or accountable to this House; therefore, our adding these Words would be of the most dangerous Consequence, because it would certainly create a Breach between the two Houses. We may, if it were necessary, assert our Character as hereditary great Council of the Crown, without adding any Words that can give Offence to the other House; and I hope we shall always exert ourselves in that Capacity, as may best tend to the promoting the true Interest of our Sovereign and Country; but why we should begin this Session with declaring, in a particular Manner, that we will do so, I can see no Reason, especially as his Majesty has not, in his Speech from the Throne, made use of any Expression that may lead us to the making of such a Declaration. From such an extraordinary and unfought Declaration, the World would suppose, either that this House had in former Sessions been deficient in its Duty, or that his Majesty's other Councils had led him into very destructive Measures. The former of these Suppositions would, in my Opinion, be a very undeserved Reflexion upon this Assembly, and the latter would be such a Reflexion upon his Majesty's Conduct, or if your Lordships please, the Conduct of his Ministers, as I shall not be for giving Rise to, without some previous Enquiry into their Conduct.

Thus,

Thus, my Lords, I hope, I have shewn, that the first Motion must undergo several Amendments, before it can be agreed to; and as the second stands in need of no Amendment, as it contains nothing but what we may agree to, and expresses every Thing we ought to say upon this Occasion, it will be saving your Lordships a great deal of Trouble and Time, to set aside the first Motion by the previous Question, in order to come at the second, which may be agreed to without any Amendment. For this Reason, as the previous Question must now be put with regard to the first Motion, I shall give my Negative to it, in order to have an Opportunity of giving my Affirmative to the next Question, which will of course be, To agree to what has been proposed by the noble Lord near me; and in both I hope to have the Concurrence of the Majority of this House.

Anno 14. Geo. II.
1740.

My Lords, I have carefully avoided saying any Thing in justification of our late Measures, which does not proceed from my being conscious, that any of them were wrong, but from my being convinced, that their justification or condemnation has nothing to do in this Debate. The noble Lord's Motion, in favour of which I have been arguing, has nothing in it relating to any past Measure: It may be agreed to by those who condemn, as well as by those who approve of our late Measures; and therefore I am surprized to find your Lordships Time taken up with long Criticisms upon our late Conduct. Political Measures are of such a Nature, that the worst may be justified, the best may be condemned: By which I mean, my Lords, that something may be said in justification of the worst, and some ill-natured Criticisms may be made upon the best public Measures that were ever pursued; but I must be of Opinion, that in both Cases the Presumption lies against those, who unreasonably bring the Subject before such an Assembly; and whether or no the present Time be seasonable, I must leave to your Lordships to judge. The Question now before us does not, I am sure, require any such Discussion, nor have we before us the Materials proper for such a Purpose; and therefore, I think, the Presumption at least lies against those who have, some Way or other, hook'd into this Debate a long Criticism upon our late Conduct.

Duke of *Argyle*.

My Lords,

I rise up to explain some Things in the Motion I took the Liberty to make to you, which, I find, have been very much mistaken by the noble Lords who have spoke against it. I believe no Lord doubts of my being for our standing by his Majesty with our Lives and Fortunes, in this or any other

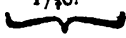
Anno 14. Geo. II.

1740



other War he may be necessarily engaged in. My Lords, I am for standing by his Majesty against all his Enemies, whether they be *Spaniards*, or *French*, *Irish*, *Scotish*, or *English*; nay even against those, if there be any such, that are in his Privy Council. These last have always been found to be the most dangerous Enemies to the Kings of this Country; and against them our Sovereign has nothing to depend on, but the Wisdom, the Honour, and the Integrity of this Assembly. A King may have Ministers and Privy Counsellors, that, for their own private Ends, advise him to pursue such Measures, as may end in his Destruction. If this should ever happen to be the Case, it is then that this House has an Opportunity of shewing their Duty to their Sovereign, by shewing their Contempt of his Ministers; but if, at such a melancholy Conjunction, there should be a Majority in this House so blind as not to perceive the private Views of the Minister, or so corrupted as to sacrifice the Interest of their King and Country to the Places and Pensions, which the Minister has to bestow, the Sovereign would then have no Council bold enough to warn him of his Danger, nor the Country any Assembly that could in a legal Way prevent its Ruin.

As to those that are his Majesty's declared Enemies, he has none, I think, at present, at least none worthy the Notice of this House, but the *Spaniards*; and therefore I thought it was sufficient for us to declare, that we will stand by him in the Prosecution of the present War against them, or any that shall take their Part; for this is implied in the general Declaration I have proposed; but as to his Majesty's secret, and the worst of all, his Bosom-Enemies, as we are his Majesty's great hereditary Council, it is our Duty to be always upon the Watch against them; and I thought it was incumbent upon us, in this Time of foreign Danger, to assure his Majesty, that we would be mindful of our Duty in this Respect, by exerting ourselves in our high Capacity of hereditary great Council of the Crown, in such a Manner as might best tend to the promoting the true Interest of his Majesty, and our Country. Surely, my Lords, it will not be supposed, that by the Words *To which all other Councils are subordinate and accountable*, I meant to include the House of Commons? I do not believe any Man in the Nation will think so. I meant only to include his Majesty's Privy Council, his Cabinet Council, or his Council of One, if he has any such; and I thought it was necessary to insert these Words, to put the Members of these Councils in mind of their being subordinate and accountable to this Assembly; for it is so long since we exerted ourselves in this Capacity, it is so long since we had any of these Gentlemen under our Examination,

nation, that, I am afraid, they begin to forget their Subor-
 Anno 74. Geo. II.
 1740. 
 dination; I am afraid they begin to think, that we are ac-
 countable to them for our Behaviour in this Assembly, and
 that they are accountable to none but their Master.

Having thus explained my Motion, I hope your Lordships
 will think it is no Way deficient in those Declarations of
 Duty and Affection, which we ought upon this Occasion to
 make to his Majesty, and that there is no Expression in it,
 that can give a reasonable Cause of Offence to any Assem-
 bly, or any Man in the Nation. And now I am up, I must
 observe, that the noble Lord who spoke last, seems to have
 very much mistaken what I said about the Custom we have
 lately fallen into, of being so very particular in our Ad-
 dresses, as to leave nothing untouched that has been mention-
 ed in his Majesty's Speech from the Throne. I said, there
 are several Persons in the Administration, who must re-
 member when this Custom was first introduced: When I
 said so, I did not mean the oldest among them. The Cu-
 stom is far from being co-eval with the Revolution: It
 was not so much as introduced till many Years after, and
 did not become in any sort an established Custom, till after I
 had the Honour of a Seat in this Assembly. It may per-
 haps be the Effect of what has happened since the Revolu-
 tion: It may be the Effect of the many Taxes since that
 Time necessarily imposed, and the many Posts and Places
 thereby created; but it neither was, nor could be the Effect
 of any of the good Alterations in our Constitution, that were
 intended or obtained by the Revolution: It was the Effect of
 what I must now call a blind Complaisance for the Crown,
 or rather for the Ministers of the Crown, and an Effect that
 I have always thought ridiculous. I have often said, both
 in Jest and in Earnest, as several Lords here present can
 testify, that it is ridiculous in us, without the least previous
 Consideration or Enquiry, to repeat and applaud in our Ad-
 dresses, every Thing that a Minister may, for that very Pur-
 pose, contrive to have inserted in his Majesty's Speech from
 the Throne.

But this Custom, it seems, my Lords, ridiculous and ab-
 surd as it is, we must not alter, lest we should thereby seem,
 without any proper Enquiry, to censure or disapprove the
 Conduct of the Administration. Does not every one of
 your Lordships see, that this Argument will always be as
 good against abolishing this ridiculous Custom, as it is at
 present? But this Argument is not now, nor ever can be of
 any Weight; for every Man in his right Wits must suppose,
 that the Alteration in our Conduct proceeds from our being
 convinced, that the Custom was bad, and not from our be-

Anno 14. Geo. II.
1740.

ing convinced, that the Conduct of the Administration has been wrong; and therefore our returning to our ancient Method of addressing cannot so much as seem to be a Censure or Disapprobation of any past Measure. Supposing, therefore, we had, from all outward Appearance, the greatest Reason to applaud and extol our late Conduct, yet this could be no Argument against our forsaking such a ridiculous Custom; but when outward Appearances operate strongly against the late Conduct of our public Affairs, when our Conduct has become an Object of Sorrow to our Friends, and of Mirth to our Enemies, then surely it is high Time for this House to forsake a Custom, that must lead them into a seeming Sort of Approbation of such a Conduct.

I am not at all surprized to see the noble Lords, who argue for the Continuance of this Custom, avoiding as much as possible any Sort of Disquisition into our past Conduct; but when a seeming Sort of Approbation is desired, is it unseasonable for this House to enter into that Disquisition? Is it not our Duty to enquire, whether there is any seeming Foundation for that seeming Sort of Approbation? And may not that Enquiry be founded upon outward Appearances? This, my Lords, is what we are now upon: We are examining our late Measures according to outward Appearances, and these, I am sure, will afford us a very good Foundation for a seeming Sort of Censure, but not the least Foundation for any Thing that may look like an Approbation. Let us examine our late Conduct either in Peace or War, and I am sure, according to all outward Appearance, we shall find good Reason to condemn it in both. Our tedious and perplex'd Negotiations, the Convention in which they were summ'd up, nay every Step taken to prevent a War, was infamous, and tended only to make a War unavoidable at last. The Excuse now made for the Continuance of these Negotiations, should make Parliaments extremely cautious of being directed by Ministers in the drawing up of any of their Addresses to the Crown. The Addresses that were drawn up and presented by Parliament upon the repeated Complaints of our Merchants, were, as every one knows, chiefly penn'd by our Ministers, and now these very Addresses are made an Excuse for the most dishonourable Negotiations that ever an unconquered Nation submitted to carry on: I say dishonourable, my Lords, for it was dishonourable as well as pernicious, to treat with a Nation, that would not so much as discontinue her Depredations during the Time of the Treaty. Whilst there were any Hopes of Success by Negotiation, whilst the Minister could

could say, there were any Hopes, (and every one knows he is pretty good at asserting,) the Parliament was loth to put an End to them by condemning them, lest the Minister should have said, that he would have procured Satisfaction and Security to the Nation by peaceable Means, if the Parliament had not prevented it; but now we may speak freely, and I will say, it was ridiculous to expect either Satisfaction or Security by fair Means from the Court of *Spain*, after their treating us so haughtily in the Negotiation previous to the Treaty of *Seville*.

Annor 14. Geo. II.
1740.

From all outward Appearance, therefore, we must condemn every Step of our late Conduct in Time of Peace; and, I am sure, no Man can say we have as yet any Reason to approve of our Conduct in Time of War. I do not, my Lords, pretend to know a great deal of the Theory of War, but I have learned something from Practice; and by the best Judgment I can from thence form, I must conclude, that no one reasonable Step has been taken for the Prosecution of the War, either before or since we began to commit Hostilities: This is my Opinion, and this Opinion I will venture to support against the most Learned in the Theory of War. The Operations of War, my Lords, are not like the Steps of a Negotiation: For judging of the former we have no Occasion for Papers, Memorials, or Letters. When a War has been carried on for eighteen Months, without so much as one Attempt made for attacking the Enemy with Vigour and Effect, every Man may, without diving into Secrets, determine whether this has been owing to our own Weakness or the Strength of the Enemy; and if to the former, whether it has been owing to a Weakness in the Nation, or to a Weakness in the Councils of those that conduct the Affairs of the Nation. Mr. *Vernon* has demonstrated, that our Inactivity cannot be owing to the Strength of the Enemy; and will any one say, that out of 30,000 Men we might not have sent 4 or 5000 Land-Forces to the *West-Indies*, as soon as we resolved upon Hostilities against *Spain*? With regard therefore to our Conduct in the War, I think we have good Reasons, founded, not upon outward Appearances, but upon certain Facts, for testifying our Disapprobation of it, or at least for refusing to say any Thing in our Address, that may look like an Approbation; and that the Address proposed by the noble Lord will imply a Sort of Approbation, must, I think, appear evident to every one who considers the Import of the several Paragraphs.

To carry on the War, my Lords, in the most proper Places, and in the most vigorous and effectual Manner, and

Anno 14. Geo. II.

1740.



not to suffer ourselves to be diverted or deterred from those Measures, is certainly a Sign of great Wisdom, and of a strict Adherence to the true Interest of these Kingdoms. But will not our acknowledging, in such a particular Manner, the Wisdom of such a Resolution upon this Occasion, be an Implication, that in our Opinion this Maxim has been pursued? And can any Man say, that the War has as yet been carried on vigorously in any Place? Can we say, that our Ministers have not suffered themselves to be diverted or deterred, when they themselves acknowledge, that they have been diverted from sending proper Supplies to the *West-Indies*, by the ridiculous Apprehensions of our being invaded at Home? Is not this the very Reason they assign for not sending 4 or 5000 of our regular veteran Troops to the *West-Indies*, at the Beginning of the War? My Lords, if your Lordships think fit, I shall be, with all my Heart, for acknowledging the Wisdom of this Maxim or Resolution; but then, to prevent the Implication I have mentioned, I shall be for concluding the Paragraph with saying, that we are sorry this Resolution was not taken and vigorously pursued, from the first Moment we resolved upon Hostilities against *Spain*.

As for the next Paragraph, my Lords, I must join with a noble Lord, who has honoured my Motion with his Approbation: I say, I must join with him in thinking, that it looks very much like Swaggering. This Nation, my Lords, has not, thank God! from its former Behaviour, (at least from its Behaviour before our present excellent Minister got the Reins of Government solely into his Hands) the least Occasion to boast of what it will do. I believe, no Court in *Europe* doubts of the Nation's being ready to vindicate its Honour against whosoever shall dare to attempt to prescribe Limits to our Arms in such a just and necessary War; but, I believe, every Court of *Europe* supposes our Ministers will not; therefore, such Words as these may be natural for them, tho' not at all for the Nation. But, alas! these hectoring Words cannot now do them any Service: They have so often already made Preparations, and fitted out Squadrons, which have afterwards appeared to be nothing but Bravado, that their Threatnings will now signify nothing. Therefore, I am against this Paragraph; first, because it is not the natural Language of the Nation; and next, because the World will from thence suppose, that our Address has been dictated by the Minister, which can never be any Honour to this House, and less at this Time, than at any former Period I can think of.

The

The following Paragraph, my Lords, is liable to the same Objection with the first: It will imply an Approbation of our past Conduct, with regard to the Balance and Liberties of *Europe*: The World will from thence suppose this House to be of Opinion, that our Ministers have strictly adher'd to the Engagements the Nation is under for maintaining the Balance and Liberties of *Europe*, which, I think, is very far from being the Case. I shall most readily join in supporting his Majesty, and enabling him to adhere to the Engagements he is under, when I know what those Engagements are, and that they are proper for maintaining the Balance and Liberties of *Europe*; but, I think, we ought not in our Address to mention Engagements, till we know what those Engagements are; nor can we, I think, mention our Minister's future adhering to the Engagements the Nation is under, for maintaining the Balance and Liberties of *Europe*, without, at the same Time, complaining, that he has not in Time past adhered so strictly to them, as he ought to have done. Therefore, if your Lordships are for retaining this Paragraph, I hope you will conclude it with such a Complaint as I have mentioned, in order to prevent the World's being imposed on by an Implication of what I cannot suppose to be your Opinion: At least, if it is, I am sure you differ from what is the Opinion of the Majority of this Nation, and of every Court in *Europe*.

The last Paragraph, my Lords, at least the latter Part of it, I cannot but look on as a little mean. It puts me in mind of what is said of our Enemies the *Spaniards*: In the time of a Storm, instead of running aloft to take Care of the Ship, their Seamen all run below to pray for a Deliverance. We have now more occasion for acting than wishing; and if we do not now begin to act, if we do not now begin to exert ourselves in our high Capacity of hereditary great Council of the Crown, I may, without a Spirit of Prophecy, foresee, that neither the Honour of the Crown, nor the Rights of the People will be maintained with Vigour or Success: I do not know, but that both may be sacrificed to that pusillanimous ministerial Spirit, to which the Trade and Navigation of this Kingdom, and the Balance and Liberties of *Europe*, have in my Opinion, been sacrificed for too great a Number of Years.

Having thus explained the Motion I took the Liberty to make, and shewn some of my Objections to the other, I must conclude with insisting upon my Motion. Your Lordships may amend it if you please: I shall readily submit any Thing I propose to the Correction of this august Assembly; but

anno 14. Geo. II. but I still think it ought to be made the Ground-work of our present Address.

1740.

The Lord Chancellor.

Lord Chancellor.

My Lords,

Having before given your Lordships my Opinion, only as to the Method of proceeding in the Case now before you, I shall now beg leave to speak to the Merits. As the present Custom of taking particular Notice in our Address, of every Thing mentioned to us by his Majesty in his Speech from the Throne, has always been objected to, and has often become the Subject of a Debate in this House, I have been at some Pains to enquire when it first began, and why it was introduced. I find, my Lords, that this Custom first began to be introduced in the Reign of the late Queen *Anne*, and in the Administration of the late Duke of *Marlborough* and Earl of *Godolphin*: These two will, I believe, be allowed to have been as great Men, and as successful Ministers, as ever this Nation was blessed with. I cannot think your Lordships will easily suppose, that either of them would have given Countenance to any thing that was inconsistent with the public Good, or with the Honour and Dignity of this House; and the Time when this Custom first began to be introduced, may point out to us the Reason why it was introduced. At the Beginning of the late War, we first began to return a particular Answer in our Address, to every Thing that had been mentioned from the Throne; and the Reason of our doing so was, without doubt, to shew the Powers abroad, as soon as possible, that there was a good Harmony subsisting between her Majesty and her Parliament: That the Parliament approved in general of the Measures pursued by the Administration; and that the Parliament would support their Sovereign in all the Engagements she had entered, or might enter into, for carrying on the just and necessary War in which she was then engaged.

This, my Lords, I think, appears evidently to have been the Reason for introducing this Custom; and was this Reason ever stronger than it is at present? Was there ever a Time, when it was more necessary for a *British* Parliament to strengthen the Hands of their Sovereign, both by their Actions and their Declarations? My Lords, not only the Balance and Liberties of *Europe*, but our Success in the present War, must depend upon the Weight his Majesty's Councils may have at present with the several Courts of *Europe*; and can any Thing add to this Weight so much as a prevailing Opinion Abroad, that there subsists an entire Harmony between his Majesty and his Parliament; that his People place an entire Confidence in his Wisdom and Conduct; and that

that the whole Power of the *British* Nation will be applied as *Anno 14. Geo. II.*
 he shall think fit to direct it ? We ought therefore to take the
 first Opportunity of demonstrating to the World, not only our
 Affection and Duty to his Majesty, but our Reliance upon
 him, and our Readiness to support him in whatever he may
 think necessary, either for the Prosecution of the present
 War, or for the Defence and Establishment of the Balance
 and Liberties of *Europe*. For this Reason, if the Address
 proposed by the noble Lord were warranted by no Prece-
 dent ; if no such Custom, as we are now desired to alter,
 had ever been introduced, I should have been for introducing
 it upon this Occasion, by agreeing to the noble Lord's Motion.

But, my Lords, when I consider, that this Custom has
 prevailed, and been generally observed, for near forty Years,
 I am really surprized, an Alteration should be attempted at
 such a critical and important Juncture. When we are en-
 gaged in a War of such Consequence to our Trade and Na-
 vigation ; when the Liberties of *Europe* lie, I may say,
 expiring at the Feet of this Nation, and expecting our help-
 ing Hand to raise them up ; when most of the States in *Eu-
 rope* seem to be in a sort of Doubt, whether they shall brave-
 ly stand up in Defence of their Liberties, or tamely sub-
 mit to that Power, which they find they cannot, with-
 out his Majesty's Help, resist ; shall we, by an unnecessary
 and ill-timed Alteration in our Conduct, give them Cause to
 expect an approaching Breach between his Majesty and his
 Parliament ; and that therefore, instead of assisting them, it
 will be difficult for him to support himself ? This, my Lords,
 would be such an imprudent, such a fatal Mistake, that I
 am surprized to hear it proposed, and much more to find
 it insisted on.

Having thus, my Lords, shewn how dangerous it would
 be to alter our customary Method of addressing, I shall
 next beg leave to examine and compare the two Motions
 now before us. The first Motion, I shall allow, is strong,
 nervous, and expressive, and worthy of the noble Duke by
 whom it was proposed ; but yet I must be of Opinion, that
 it contains both too much and too little. I shall grant, that
 most of the Councils in this Nation are subordinate and ac-
 countable to this august Assembly ; but I think it is too
 much to say, that all other Councils are subordinate and ac-
 countable to this. I shall likewise grant, my Lords, that
 from some of our old Histories and Law-books it appears,
 that this House has been in former Times summoned to meet
 by itself, in order to give their Counsel and Advice to their
 Sovereign in Affairs of great Importance, and such as required
 immediate Dispatch ; and that when it met upon such Occa-
 sions, it is generally in our old Books called the Great Coun-
 cil ;

ANNO 14. GEO. II.

1740.

cil; from whence, I suppose, the noble Duke took Occasion to call this Assembly the hereditary great Council of the Crown: This may be a proper Appellation; but we should be extremely cautious of asserting, that all other Councils are subordinate and accountable to this Assembly. We know how jealous the other House is of its Privileges and Immunities: From thence we may, with Certainty suppose, that if any such Words were inserted in our Address, the other House would immediately appoint a Committee to inspect our Journals, and upon the Report of that Committee, would insist upon our explaining ourselves, and declaring, that we did not thereby mean to arrogate any Power or Jurisdiction over them. I believe your Lordships would not like to come to any such Explanation; and if you did not, it might occasion such a Breach between the two Houses, as would put a full Stop to all public Business, which would certainly, at this critical Conjunction, be attended with the most fatal Consequences. Therefore, I hope your Lordships will join with me in Opinion, that the first Motion contains too much; and that it contains too little, is still, I think, more evident.

The noble Duke, indeed, proposes, that we should promise to support his Majesty in the present War; but is this, my Lords, enough, considering the present Circumstances of *Europe*? His Motion says nothing of the Pragmatic Sanction; it says nothing of any other War his Majesty may be engaged in, for supporting the Balance and Liberties of *Europe*. Is it not possible, is it not probable, that his Majesty may be engaged in another War on this Account, more general, more burdensome, and more dangerous than the present? Such a War I really take to be unavoidable, unless his Majesty can form such a Confederacy upon the Continent, as will make it dangerous for any Power in *Europe* to disturb the Tranquillity thereof, by forcibly interposing in the Election of an Emperor, or by forcibly attempting to violate the Pragmatic Sanction. And as nothing can contribute more towards enabling his Majesty to form such a Confederacy upon the Continent, than a Declaration from the *British* Parliament, that they will enable him to make good all the Engagements he has, or may enter into for that Purpose, it would be very imprudent in us to neglect this Opportunity of making such a Declaration; from whence it is evident, that the first Motion contains too little.

On the other Hand, my Lords, the second Motion is, in my Opinion, without Fault, without any reasonable Objection: It acknowledges the Wisdom of those Resolutions, which every one of your Lordships have applauded, which every

every Man must in his Heart applaud ; it gives his Majesty those Assurances, both with respect to the present War, and any other War his Majesty may be engaged in, for maintaining the Balance and Liberties of *Europe*, which, I think, are absolutely necessary upon the present Occasion : It expresses our Affection to his Majesty's Person and Government, and our Wishes for his Success, in as strong, and, I think, as *Laconic* Terms as can be contrived ; and it contains nothing that can give Offence, either to the other House, or to any Man in the Kingdom. As to the late Conduct of our Ministers, let it be as bad as can be imagin'd, there is nothing in this Motion, that can bar an Enquiry, or prevent a Censure : There is not the least Mention made of any late Measure, nor so much as a Reference to any Part of our past Conduct ; and as for the Implications the noble Duke has been pleased to suppose, I cannot think there is the least Ground to apprehend, that any such will be made, either abroad or at home. Surely, from our acknowledging the Wisdom of a Resolution, no Man will conclude, that we think it has been already pursued : On the contrary, it is forestalling, if I may so express myself, the Judgment of this House, and previously censuring the Conduct of our Ministers, if upon Enquiry it should appear, that this Resolution was not taken as soon, and pursued as vigorously, as our Circumstances would admit.

The Objection made to the next Paragraph of the noble Lord's Motion must appear very extraordinary, to one who considers what has been actually done by a neighbouring Power. When I say this, my Lords, every one that hears me, must suppose, I mean the *French* : They have lately sent two Squadrons to the *West-Indies*, without any apparent Reason for so doing : No Man, I believe, supposes they would have put themselves to this Expence for nothing ; or that it was done merely with a Design to exercise their Seamen. I shall not so much as pretend to guess what was their Design ; but it is highly probable, either that they designed to join openly with our Enemies against us, if they found an Opportunity, by so doing, to do us a Mischief, or that they intended, by sending these Squadrons thither, to bully and frighten us from prosecuting the War properly and vigorously in that Part of the World ; and in either Case, can we be said to boast or hector, when we assure his Majesty, that we will stand by and support him against any Power that shall attempt to prescribe or limit the Operations of the War against his and our Enemies ? Does not such a Declaration naturally arise from the Circumstance I have mentioned ? As this Circumstance is known to the whole World, would not

Anno 14. Geo. II. our neglecting to make such a Declaration, especially as his Majesty has mentioned it in his Speech, betray a sort of Fear, which might be of the most dangerous Consequence in the present Situation, not only of this Nation, but of *Europe* in general ?

1740.

With regard to the Engagements this Nation may be under, for maintaining the Balance and Liberties of *Europe*, I do not know, my Lords, that any of them have been of late Years neglected ; but supposing they have, it can be no Objection to what the noble Lord has proposed on that Head : We are not thereby to affirm, that they have been strictly adhered to, nor can any such Thing be implied from what he proposes. We may hereafter enquire into this Affair, we may censure, we may punish, notwithstanding any thing contained in the Address he proposes. If there has been any Neglect, our declaring, that we will stand by and support his Majesty in all such Engagements, will prevent the like in time to come ; and the Death of the late Emperor renders it necessary for us to make such a Declaration, as soon as possible, in order to confirm the Resolutions of those, who are naturally Friends to the Liberties of *Europe*, and to obviate the Designs of those, whose continual Aim has, for many Years, been to overturn them.

As to the Objection made to the last Paragraph of the noble Lord's Motion, I cannot think the noble Duke was serious when he made it. Our wishing can neither prevent nor interrupt our acting : Therefore, your Lordships may this Day wish Success to his Majesty's Enterprizes, and to-morrow, or at the same time, if you please, you may begin to contribute by your Actions towards rendering them successful. In my Opinion, the best Thing you can do, is to convince the World, that there is a perfect Harmony subsisting between his Majesty and his Parliament ; that the *British* Nation will concur with his Majesty in a vigorous Prosecution, not only of the present War, but of any other War his Majesty may be necessarily engaged in, for maintaining the Balance and Liberties of *Europe* ; and that we will carefully avoid every thing, that may occasion any Division, Heat or Animosity amongst ourselves : These will, I think, be the Effects of our agreeing to the second Motion ; and as the contrary will, in my Opinion, be the Effects of our agreeing to the first, therefore I shall be for setting it aside, by means of the previous Question, in order that we may agree to the second Motion.

Lord Carteret.

My Lords,

Lord Carteret.

I beg Pardon for troubling your Lordships a second time upon this Occasion : I now rise up only to explain some things

things I said before, and to endeavour to set your Lordships right, as to some Facts that seem to be contested, or rather misunderstood. The Custom of returning a particular Answer in our Address, to every thing mentioned in the Speech from the Throne, I shall admit was first introduced in the Administration of the Duke of *Marlborough* and Earl of *Godolphin*; and from this Instance we may see, how cautious we ought to be of introducing any Custom under a good Administration, that ought not to be followed under a bad: But this Custom was not introduced at the very Beginning of that Administration, or at the Beginning of the War; and therefore the Cause of its being introduced may be, and was, I believe, very different from what the noble Lord who spoke last, has been pleased to represent. If ever there was occasion to testify a perfect Harmony between the Sovereign and the Parliament, by a long particular Address at the Beginning of the Session, it was upon the Accession of the late Queen, or at the Beginning of the first Parliament after her Accession, and yet upon both these Occasions, we find the Address of this House was very short and very general; therefore, it is plain, we must look for another Reason for this Custom; and if we attend to the many glorious Victories and repeated Successes this Nation was blessed with, under that wise and vigorous Administration, we may easily find it.

Anno 14. Geo. II.
1740.

The true Reason, my Lords, was, we were so very much elated with the Success of our Arms, and with the Trophies which every succeeding Campaign added to those of the former, that we went a little too far in shewing our Gratitude and Complaisance to that brave General, who conducted our Armies abroad, and that consummate Statesman, who seconded his Endeavours by a most prudent Conduct of our Affairs at home. By this means, we introduced the Custom of making every Year an express or implied Panegyric upon the Conduct of our Ministers, by way of Address of Thanks for the Sovereign's most gracious Speech from the Throne, without foreseeing, that every future Administration would claim the same Complaisance, tho' not at all deserving of the same Gratitude. That Administration, my Lords, had some Reason, from their continual Flow of Success, to expect a sort of implicit Faith, or blind Complaisance from Parliament. They deserved our Confidence, because they had the Confidence of all our Friends and Allies, and were the Terror of our Enemies. But where are the Victories, where are the Trophies our present Minister has to boast of? Can we trust to the Conduct of a Minister, who, by his own Confession, has stript us of every Ally? Can we put Confidence in a

1740.

Q q q 2

Mss,

Anno 14. Geo. II. Man, who, by misconducting our Affairs, has rendered us the Pity of our Friends, and the Contempt of our Enemies?

1740.

Thus your Lordships must see, that what was the true Reason for introducing this Custom, is now very far from being a Reason for continuing it. I shall grant, my Lords, that a perfect Harmony between King and Parliament has always hitherto given Weight to the King's Counsels abroad; but from whence did this proceed? It proceeded from the Parliament's speaking the Language of the People; for if ever a Parliament, by Corruption or any other Means, should begin to speak the Language of Ministers, without Regard to the Sentiments of the People, a good Harmony between King and Parliament will then have no Authority at home, and consequently can have no more Effect abroad, than a good Harmony between the King and his Ministers, I was going to say his Footmen; for a Minister that is hated by the People, is in a more precarious Situation, and must be more dependent, than any of the King's Footmen. Let us then consider what is the Language of the People. A Parliament may force a Change of Ministers; but it cannot force a Change of Sentiments among the People: All the Compliments we can make, will never prevail with the People to put a Confidence in a Minister they hate and despise; such Compliments will only involve us in his Ignominy, and likewise, I must think, in his Guilt. If we consider this, my Lords, we shall begin this Session with an Enquiry into the late Conduct of our public Affairs; and if we have a mind to do this, surely we should avoid saying any thing in our Address, that may, by any sort of Implication, look like an Approbation of that Conduct we may, perhaps, in a Week or two, find it necessary to censure. To applaud and censure in the same Session, would be such an Inconsistency in the Behaviour of this House, as would destroy that Character, which we must preserve among the People, if we have a mind to be serviceable to our Sovereign, or useful to our Country.

My Lords, we must enquire; the whole Kingdom expects it at our Hands; if we do not, there will be ugly Insinuations made against the Dignity and Honour of this House, both at home and abroad. For this very Reason we ought to agree to the noble Duke's Motion, in order to satisfy the People, as soon as possible, that in this Session we will do our Duty: It is a Duty we owe to our Sovereign, as well as his People. If this Proposition is refused, or set aside by the previous Question, I shall look upon it as a Refusal of any Enquiry, and therefore I must in my own Vindication protest. In the glorious and successful Administration

tion that has been mentioned, tho' the Ministers were willing, Anno 14. Geo. II. as all Ministers are, to accept of all the Panegyrics the Parliament was willing to bestow, yet, being conscious of their own Innocence, they were too wise to oppose or endeavour to evade an Enquiry. There was then no mutual Compact between a Minister and his Tools, to protect one another against an impartial parliamentary Enquiry; and therefore, in the Year 1707, when a Complaint was brought into this House against the Admiralty, and an Enquiry into the Conduct of that Board moved for, tho' Prince George himself was then at the Head of the Admiralty, yet the Ministers were so far from opposing, that they promoted an Enquiry. A Committee was accordingly appointed, and a strict Enquiry carried on, whereupon it was found, that the Prince's Council had been guilty of great Neglects, with regard to the appointing of Cruizers and Convoys for protecting our Trade; for which, and for several other Neglects and Misdemeanors alledged against them, they were removed from that Board, without so much as an Attempt made by the Ministers, either to screen them from being found guilty, or to protect them after they were.

1740.

This, my Lords, was the Conduct of those two wise and great Ministers, the Duke of Marlborough and Earl of Godolphin: They were not only wise, but they were innocent; for if they had not, if they had been concerned with their Underlings in any dirty Jobbs, or if their Underlings had been privy to any of their dirty Jobbs, they must have protected them. To a Minister conscious of his Guilt, the very Mention of an Enquiry is frightful: Let it begin where it will, he is afraid of its coming to him at last; therefore, when there arises a general Discontent in the Nation, it is no Presumption in Favour of a prime Minister, if he makes use of all his Authority in Parliament to prevent an Enquiry into the Causes of that Discontent. Popular Discontents can never arise without some Foundation: They are often occasioned by the Misconduct or Avarice of Underlings; but if the Chief has really no Share in the Guilt, he will be for a strict Enquiry, that his own Conduct may be justified, and the Blame laid on those that deserve it.

We must not only enquire into our past Conduct, my Lords, but we must consider our future Conduct, in order to give his Majesty such Advice as may be proper at this critical and important Conjunction. I have not learned from old Books, but in this House I have learned, from as able Judges as ever sat here; from my Lord Hallifax, my Lord Somers, my Lord Cowper, I have learned that we sit here in three Capacities: We sit here as a legislative Council, as a
jurisdiction

Anno 14. Geo. II.

1740.



jurisdiction Council, and as the great Council of State. In this last Capacity we ought to give our Advice to our Sovereign upon all important Occasions; and for this Purpose we ought to enquire into, and be made acquainted with the State of our public Affairs. Our exerting ourselves in this Capacity will add Weight to all his Majesty's Measures. If other Councils have brought our Conduct into Disrepute, this House's interposing will retrieve our Credit. All *Europe* knows what we ought and can do; if we have not done it, the Interposition of this House will convince the Powers abroad, that we shall now begin to do what we ought. Whereas, if we continue to applaud and put an entire Confidence in a Minister, whose Conduct they can put no Confidence in, they will expect on our Part, the same pusillanimous and unsteady Conduct in Time to come, which they have experienced in Time past; and this will prevent their entering into Engagements with his Majesty, or giving Ear to any thing he may propose.

My Lords, we have in this Debate heard a great deal of a perfect Harmony between the King and his Parliament, and the good Effects it may produce; but if those Lords would speak their Mind plainly, I believe they mean a perfect Harmony between the King's Ministers and his Parliament, and this can at present, in my Opinion, produce no good Effect, because there appears to be no good Harmony between them and the King's People, nor between them and those Powers upon the Continent, who are the King's proper and natural Allies. I should be glad to know, how our enquiring into, or censuring the Conduct of a Minister, can interrupt the Harmony between the King and his Parliament: I know it has done so in former Reigns, when the King attempted to screen a guilty Minister from the Justice of Parliament; but surely none of your Lordships will suppose any such Thing of his present Majesty; therefore our censuring, and much less our refusing to approve the Conduct of any Minister, can no way interrupt that Harmony, which subsists, and, I hope, will always subsist between his present Majesty and his Parliament. On the contrary, it will establish and confirm that Harmony, which now subsists between his Majesty and his Parliament, and it will restore that Confidence, which we ought to preserve amongst those who are our natural Allies; therefore, if there were no other Reason for our altering the Method of addressing we have of late Years fallen into, I should be for it on this Occasion, in order to convince the Powers abroad, that this House will not be directed or dictated to by a Minister, whose Conduct they think they have sufficient Cause to mistrust;

trust; and this of itself is a most prevalent Reason with me Ann^o 14. Geo. II.
 for agreeing to the noble Duke's Motion, because I am 1740.
 well assured, it was neither directed nor dictated by the Minister.

As for the other Motion, my Lords, it has so much of the ministerial Turn in it, that I very much suspect some Minister had a Hand in drawing it up: and I am very much surprized to hear the learned Lord that spoke last, whose Knowledge in the Doctrine of Innuendo's is not to be questioned: I say, I am surprized to hear him aver, that it does not so much as imply an Approbation of the Minister's Conduct. We are to acknowledge the Wisdom of the Minister's Resolution to prosecute the War in the most proper Places, and in the most vigorous and effectual Manner: Innuendo, That he has actually taken such a Resolution, that he has taken it as soon as the Circumstances of our Affairs would permit, and that he will prosecute it with Effect. We are to acknowledge the Wisdom of his resolving not to be diverted or deterred from pursuing those Measures: Innuendo, That he has not hitherto allowed himself to be diverted or deterred. We are to declare, that we will support him in adhering to the Engagements he has entered into, for maintaining the Balance and Liberties of *Europe*: Innuendo, That he has never entered into any Engagements, but such as were proper for this Purpose, and that he has honourably hitherto adhered to all those Engagements. These Innuendo's are so obvious, that I am persuaded they will be laid hold of by the Minister's Friends, at least without doors, for silencing all those that complain of his Conduct; and as I am very far from being convinced of the Truth of any one of them, I cannot agree to an Address, that will admit of such Innuendo's.

With regard to the *French* Squadrons sailing to the *West-Indies*, it has, my Lords, been already observed, that we have no parliamentary Knowledge of the Fact; but if we had, his Majesty has already most wisely taken the proper Notice of that Incident, by sending a Squadron thither, sufficient for preventing their being able to limit his Operations of War; which, I am sure, will have a much greater Effect, than any Words we can make use of.

From all which, my Lords, it is evident, that the second Motion, as the learned Lord observed of the first, contains too much; and, I think, it is as plain, that it contains too little; for it says nothing of our designing to enter upon any Enquiry, or to give any Advice to his Majesty, which is a Declaration I think most necessary to be made upon this Occasion, in order to quiet the Minds of the People, and to
 regain

Anno 14: Geo. II. regain the Confidence of our Friends upon the Continent.
 1740.

This Defect I am not, indeed, much surprized at ; but there is another, which I am surprized the Minister, or any Friend of the Minister, should have overlook'd. I mean, that of not congratulating his Majesty on his safe Return to his Regal Dominions : This is really a Defect in good Manners, as well as in the Regard we ought to shew to our Sovereign ; and it is the more enormous, considering the good Effects the whole Nation felt from his safe Return. During his Absence, our warlike Operations seem'd to be at a Stand, or rather we seem'd to be in Suspence, whether we should prosecute the War or no ; but immediately after his Return, that Fleet which had lain so long upon our Coast, at a great Expence to the Nation, sometimes for want of a fair Wind, sometimes for want of proper Provisions, and sometimes for want of sailing Orders, proceeded upon its intended Voyage to the *West-Indies* ; where, I am convinced, it will be made a proper Use of by the Admiral we have there, if he be laid under no Check, that may limit or disappoint his honest and brave Intentions.

Lord Hervey.

My Lords,

Lord Hervey.

As I cannot propose to say much more, or better than what has been said by other Lords, who have spoke before me in this Debate, I shall trouble your Lordships with only a few Observations upon the two Motions. Among others, there is this Difference between the two, that the first is found Fault with, and several Amendments offered to it, even by those Lords who have spoke in its Favour ; whereas no Objection has been made to the second by any one Lord, who has spoke in its Favour ; therefore, I think your Lordships, in order to save Time, had better chuse the second Motion, which may be agreed to without Amendment, than to chuse the first, which, it is confessed by both Sides, cannot be agreed to without several Amendments. As to the Objection made to the second Motion, that it implies an Approbation of the Conduct of the Ministers, I do not think there is the least Foundation for it ; and this, I think, every one of your Lordships may convince himself of, by supposing the House entered into an Enquiry, and considering whether he would think himself tied up from censuring our late Conduct, by any Words contained in the Address proposed by the second Motion. For my own Part, I am sure I should not, and therefore I shall first be for agreeing to this Motion, and then, if your Lordships please, I shall be for entering upon an Enquiry into any Part of our late Conduct, and shall think myself as
 free

free to censure, if I think it ought to be censured, as any Anno 14. G. II. Lord that opposed this Motion.

1740.

The second Motion therefore, my Lords, if we chuse it, can give us no Trouble, nor take up much of our Time; whereas, if we chuse the first, if we do not set it aside by the previous Question, before we can agree to it, we must set about amending it: About these Amendments we may have new Debates, which will take up a great deal of Time, and must of course give us a great deal of Trouble; for surely your Lordships would not agree to the first Motion, till after you had some Way altered the Words, "To which all other Councils are subordinate and accountable;" because these Words would, in my Opinion, necessarily breed a Quarrel between the two Houses. I am very well convinced, the noble Duke did not mean to include the other House under these general Words; but, my Lords, we must not consider what his Meaning was, or what Sense we think ought to be put upon them; we must consider what the other House will think of them; and their Jealousy will, I am persuaded, suggest to them, that we meant by these Words, to lay a Precedent for establishing some Sort of Jurisdiction over their Assembly; therefore your Lordships must expect, they will not patiently bear with your making use of such a general Expression.

But this is not the only Amendment we must make to the first Motion. Those who have spoke in its Favour have allowed, that it is defective, with regard to the present Circumstances of *Europe*, and the War his Majesty may possibly be engaged in on that Account; therefore we must here likewise make some Amendments; and perhaps others may occur, when we come to consider it more narrowly. In short, my Lords, I am quite indifferent, which of the Motions you agree to, provided the first, if you chuse it, be properly amended before you agree to it; but as our chusing the second will save a great deal of Trouble and Time, therefore I shall be for setting the first aside, by means of the previous Question, in order to come at the second.

Lord Bathurst.

My Lords,

The noble Lord who spoke last, has observed a Difference between the two Motions, which, in my Opinion, is rather a Difference between the Speakers of one Side, and the Speakers of the other, than a Difference between the Motions themselves. I shall grant, that those who have spoke for, or seem to favour the second Motion, are more unanimous, as they generally are, amongst themselves, than those who have spoke for, or seem to favour the first; but this is

Annol 14. Geo. II.

1740.



no Argument for the second Motion's being better, or more correct than the first ; because those that are in the Wrong may be, and often are, more unanimous than those that are in the Right. The second Motion, therefore, can claim no Preference from the Unanimity of its Advocates ; but I will observe to your Lordships a real Difference between the two Motions, and a Difference, which demonstrably gives the Preference to the first.

The Difference, my Lords, is this : The second Motion is so bad, that Objections have been made to every Paragraph of it except the first, which thanks his Majesty for his Speech from the Throne ; whereas the first Motion has in the main been applauded, even by those who have spoke against it ; and no Objection made, but only to a few ugly Words in one Place, and the Want of a few pretty Words in another ; therefore it is evident, the first Motion is in the main better than the second. Now, if I add the pretty Words desired, and leave out the ugly Words objected to, I am persuaded the noble Duke will agree to what I propose, and then I hope we shall unanimously agree to his Motion ; which Unanimity will be an Advantage, as has been acknowledged, and seems to be desired, by those who have spoke upon the other Side of the Question.

I shall therefore, my Lords, propose to add, at the End of the second Paragraph of the noble Duke's Motion, these Words, " Or in any other War in which he may be necessarily engaged, for maintaining the Balance and Liberties of Europe, on the Event of the late Emperor's Death." This will obviate the Objection of the Motion's containing too little ; and as to the Objection of its containing too much, the only Words found fault with are these, " To which all other Councils are subordinate and accountable ; " which Words, as they stand in a Parenthesis, I propose, shall be entirely left out. Thus, my Lords, I think, I have obviated every Objection that has been made to this Motion ; and therefore, unless your Lordships have something else in View, than merely to acknowledge your Loyalty and Fidelity to his Majesty, I hope you will unanimously agree to this Motion thus amended.

By this your Lordships will save a great deal of Trouble and Time ; for if you should set aside this Motion by means of the previous Question, you cannot suppose, that the second Motion, after so many and such strong Objections have been made to it, will be agreed to without some Amendments being offered, which will of course introduce a new Debate. Nay, I do not think, that those who are its greatest Advocates, can agree to it, without inserting some

some Words for congratulating his Majesty upon his safe Re- Anno 14. Geo. II.
turn to his Regal Dominions. 1740.

Lord Gower.

My Lords,

As I have carefully attended to this Debate, and in particular to the Objections that have been made to the noble Duke's Motion, I think, as it is now amended, the Objections are all removed; and therefore, if your Lordships do not now agree to it, I shall think you have some secret Reason, which has not been yet expressed, and from hence I shall suspect, that some of your Lordships not only look upon the Address propos'd by the noble Lord, as an Approbation of the Minister's Conduct, but that you intend it as such, and as a Bar to any future Enquiry or Censure. And indeed, as all Speeches from the Throne are supposed, in this House, to be the Speech of the Minister, and as, consequently, our Address by way of Answer to that Speech, must be considered as an Answer to the Minister, I must think, it would not shew a thorough Consistency in our Behaviour, to censure or punish a Minister, after having returned him such a pretty, smooth Answer in the beginning of the Session. The noble Duke's Motion looks something like what the Minister may expect, and I am sure, what we ought to make him expect from this Assembly; therefore, if that Motion be thrown out by a Majority, I shall expect, and the whole Nation with me will expect, that the same Majority will throw out every thing that can be offered towards an Enquiry; and how dangerous this may be, at this Juncture, I shall leave to your Lordships to judge; for a good Harmony between the King and Parliament will signify but little, if it be known abroad, as it will be, that the People are generally discontented, that the Parliament speaks nothing but the Language of the Minister, and that their speaking such Language has raised the Discontents of the People almost to Madness.

My Lords, I attended with the more Care to the Objections made to the noble Duke's Motion, because, when I first heard it, I was so well pleased with it, that I thought no Exception could be reasonably taken to any Part of it; and I must say, I am still of the same Opinion. However, for the sake of Unanimity, I approve of the Amendments my noble Friend has propos'd; but I was surprized to hear it so much as supposed, that the other House would find fault with our saying, "That all other Councils are subordinate and accountable to this;" or that they would imagine themselves included in these general Words. I never heard of the other House's being called a Council, either in our

Anno 14. Geo. II.
1740.

old Books or our new, or by any Man in the Kingdom that understood what he said. The other House is one of the Branches of our Legislature: They are the great Inquest of the Nation; and as such, they are accountable to none; but I never heard, that they were called, or that they called themselves a Council; and therefore, should we make use of this Expression, I am convinced the other House would take no notice of it; unless we suppose them under the Direction of a Minister, and in that Case, indeed, if he perceived this House inclined to make a strict and impartial Enquiry into his Conduct, he might, and probably would, prevail with the other House to lay hold of any Handle for putting a Stop to that Enquiry; but as even this Danger is removed, by leaving out the Words objected to, and as the Defect complained of is removed by the Words my noble Friend has added, I can now see no Reason for our not agreeing with the noble Duke's Motion, unless it be, because we are very sure it was not dictated by the Minister, which with me is a strong Reason for approving it.

The previous Question being then put, it passed in the Negative; Contents 38. Not Contents 66. by which the Motion made by the Duke of *Argyle* was set aside; whereupon the Question was of course proposed, to agree to the Motion made by Lord *Haversham*; and upon this, the Earl of *Abingdon* stood up, and moved, by way of Amendment, to insert in that Motion, immediately before the last Paragraph, these Words, *viz.* "And as a farther Proof of our Duty and Affection to his Majesty's sacred Person, Royal Family, and Government, to assure him, that we will exert ourselves in our high Capacity of hereditary great Council of the Crown, in such a Manner as may best tend to the promoting the true Interest of his Majesty and our Country, in this critical Juncture." But this Motion being disagreed to without any Debate, the Motion made by the Lord *Haversham* was agreed to without Amendment; on which Occasion was entered the following Protests.

Dissentient.

Macclesfield.

1. Because we conceive, that a Motion of this Nature ought not to have been laid aside by the previous Question; but we apprehend it would have been more consistent with the Honour and Dignity of this House to have passed it in the Affirmative, since it contained the strongest Assurances of our Duty to his Majesty, and of our Zeal to support him with our Lives and Fortunes in the Prosecution of this just and

and necessary War; moreover, it had been universally allowed in the Debate, that the ancient Usage of this House was to return immediately a general Address of Thanks only for the Speech from the Throne, and to appoint a future Day for taking the said Speech into Consideration: By which wise Method of Proceeding, this House had an Opportunity of forming their Judgment and offering their Advice to the Crown, upon the several Matters contained in the Speech after due Enquiry and mature Deliberation.

Anno 14. Geo. II.

1740.

2. Because, tho' the Speech from the Throne is in Parliament justly considered as the Act of his Ministers, yet a Motion pre-concerted, if not drawn by themselves, echoing back the Particulars of the Speech, is, as we conceive, a modern Expedient to procure a precipitate Approbation of Measures which might not be approved upon better Consideration. It was indeed alledged in the Debate, in support of this Practice, that it was introduced during the late War, in the Administration of the late Earl of *Gadolphin*; but we should also consider the Reason of it, (we heartily wish we had now the same) that the Zeal of the House was then every Year animated by the glorious Successes of the Queen's Arms under the Command of the Duke of *Marlborough*. And tho' it is always admitted that these hasty Addresses do not preclude the House from future Enquiries or Censures; yet should Censures, in Consequence of such Enquiries, become necessary, they would produce an Inconsistency between the first Address and the subsequent Resolutions, and argue a Levity highly unbecoming the Wisdom and Dignity of this House.

3. Because one Part of this Motion, the Congratulation upon his Majesty's safe Return to his Regal Dominions, could be liable to no Objection, but seemed at this Time peculiarly seasonable, since it was evident to the whole Kingdom, the Sailing of the Fleet, which had been delayed so long, was the immediate Effect of his happy Return.

4. Because we conceive, that our assuring his Majesty that we would exert ourselves in our high Capacity of hereditary great Council of the Crown, would have given Encouragement to his Allies, Confidence to his Armies, and Satisfaction to his Subjects, especially in this critical Conjuncture, wherein the Advice of this House is more than ever necessary, since by the Inaction of this last Year in all Parts (except wherein Admiral *Vernon* commanded) notwithstanding the vast Fleets and Armies maintained at so immense a Charge, this just and necessary War seems hitherto to have been carried on by the same Spirit and Advice which so long delay'd the entering into it; and we conceive that the strictest

ANNO 14. Geo. II. strictest Enquiries into such Conduct are the most probable Means of redressing our Grievances at Home, and bringing the War Abroad to a speedy and happy Conclusion.

1740.

Bucclugh, Stanhope, Hallifax, Chesterfield, Bridgwater, Winchelsea and Nottingham, Beaufort, Litchfield, Talbot, Willoughby de Brook, Greenwich, Carteret, Shaftsbury, Clifton, Haversham, Carlisle, Denbigh, Batburst, Craven, Thanet, Gower, Aylesford.

Then it was proposed to insert in the second stated Question, immediately before the last Paragraph, the Words of the first Question, except those in the Parenthesis, viz. "To which all other Councils are subordinate and accountable."

Which being objected to, the Question was put, Whether those Words shall be inserted.

It was resolved in the Negative.

Content	35
Not Content	62

Dissentient.

Because when these Words made Part of the Question first moved, they were allowed by every Lord, who spoke in the Debate, to be proper and unexceptionable, and the following Parenthesis only ("To which all other Councils are subordinate and accountable") was objected to, as liable to a Misconstruction in another House; we cannot therefore but be surprized, that when this Question, freed from that Shadow of an Objection, (as we conceive) was offered as an Amendment to the Motion for an Address, it should have been rejected; and the more so, since the Negative passed upon it may be construed to imply, what we are persuaded no Lord in this House can intend, (whatever others may wish) "a Resolution not to enquire, advise, or censure, even tho' just Suspicions, imprudent Councils, or criminal Measures should require it."

Subscribed, &c. as before.

The Address was as follows.

Most gracious Sovereign,

Address of
Thanks.

WE your Majesty's most dutiful and loyal Subjects, the Lords Spiritual and Temporal in Parliament assembled, beg Leave to return your Majesty our humble Thanks for your most gracious Speech from the Throne.

The Resolution which your Majesty is pleased to express, for carrying on this just and necessary War, in the most proper Places, and in the most vigorous and effectual Manner, is so agreeable to your Royal Wisdom, as well as to the united

united Desires of your People, that it fills our Hearts with the most grateful Sentiments. As the *West-Indies* has been the Scene of the most outrageous Depredations and Violences, committed by the *Spaniards* upon your Majesty's Subjects; we hope and trust, that, by the Blessing of God on your Majesty's Councils and Arms, this Nation will, in those Parts more especially, obtain that just Satisfaction for past Injuries, and effectual Security for their Navigation and Commerce for the future, which have hitherto been refused, contrary to the Faith of the most solemn Treaties.

Anno 14. Geo. II.

1740.

We must ever acknowledge it, amongst the many Instances of your Majesty's Firmness, and true Greatness of Mind, that you have not suffered any Incidents whatsoever, to divert or deter you from these Measures: And we doubt not but your Enemies will soon be convinced, that the Security of your Majesty's Government at home, must be strengthened in the Affections and Support of your People; whilst your Squadrons are sent to distant Parts of the World, as well for maintaining their undoubted Rights and Interests, as the Honour of your Imperial Crown.

Under this deep Sense of our Obligations to your Majesty, permit us to offer at your Royal Feet the strongest Assurances, that if any other Power should attempt to prescribe or limit the Operations of the War against your declared Enemies; such an extraordinary Proceeding would not fail to create in us the highest and most becoming Indignation, and to determine us to concur in all proper Measures, for vindicating and defending your Majesty's Dignity and Honour against any Insults, and for frustrating any Designs formed against us.

We are truly sensible, that the Death of the late Emperor is an Event, which calls for the vigilant Attention of all those who sincerely wish well to the common Safety and Tranquillity; and we beg Leave to assure your Majesty, that we will zealously stand by and support you, in adhering to the Engagements you are under, for maintaining the Balance and Liberties of *Europe* on that important Occasion, as well as in the vigorous Prosecution of the present War.

To repeat the unfeigned Professions, that we have so often made, of our unalterable Fidelity and Affection to your Majesty's most sacred Person and Government, and our Zeal for the Continuance of the Protestant Succession in your Royal House, may seem unnecessary, when it is demonstrably our essential Interest, as well as our Duty, to persevere in these Principles. But we should be wanting to those warm Impressions, which we feel in ourselves, if we did not, in this Conjunction, declare to your Majesty, and the whole World, the

fixed

ANNO 14. Geo. II. 1740. fixed and unshaken Purpose of our Hearts, to defend and support this glorious Cause, at the Expence of our Blood and Treasure; and, at the same Time, express our sincere and ardent Wishes, that all your Enterprizes, for maintaining the Honour of your Majesty's Crown, and the Rights of your People, may be blessed with the most prosperous Success.

His Majesty's most gracious Answer.

My Lords,

I Thank you for this dutiful and affectionate Address.
 " Nothing can be more agreeable to me, than the Zeal
 " you express for the vigorous Prosecution of this just and
 " necessary War, the Support of my Dignity and Honour,
 " and the Preservation of the Balance and Liberties of
 " Europe; all which I have entirely at Heart.

December 1. All the Lords having been summoned according to order; Lord *Bathurst* stood up, and expressed himself to the following Purpose:

My Lords,

In the first Debate that happened amongst us this Session, it was acknowledged by every Lord who spoke in the Debate, that this House not only may enquire into the Conduct of past Measures, but that we may, and ought, as the great hereditary Council of the Crown, to give our Advice, with regard to future Measures, in every Case that appears to be of great Importance; and upon that Occasion every one of your Lordships seemed extremely willing to enter upon an Enquiry into our late Conduct. This, my Lords, encouraged me to think of what was proper for this Purpose; and the Result of my Thoughts upon this Subject is the Cause of the Motion, which I am now to make to your Lordships, and which I take upon me to make, not only because I am willing, but because I think the loud Complaints that are generally spread among the People, have now made it absolutely necessary for this House to enquire into the Conduct and Management of the War we are now unfortunately engaged in.

A State of War, my Lords, is a most troublesome, dangerous, and expensive State to any Nation whatsoever; but to a trading Nation it is more so, than to any other: This our present most excellent Ministers have often declared: They seemed to be so sensible of this, but a very short while since, that they made it an Excuse for submitting to as cruel Insults, continuing as tedious and hopeless Negotiations, and agreeing

agreeing to as infamous Treaties, as any Age or Country Anno 14. Geo. II.
can parallel. Therefore, when our Ministers found them-
selves unavoidably obliged to engage in War, their first and
chief Consideration should have been to have taken the
1740.

most proper Measures, for bringing that War to a speedy as well as happy Conclusion. It may be the Advantage of a Minister to have his Country engaged in War, and to prolong that War as much as he can, especially when the War happens to be such a one, as he may manage so as not to run any considerable Risk of a Misfortune, and at the same time to gain a little Triumph now and then, for cheering the Spirits, and amusing the Minds of the unthinking Part of his Countrymen, without allowing them to push their Success so far, as to compel the Enemy to offer a *Carte Blanche*. This Sort of Conduct, I say, may often happen to be the Interest of a Minister, but it can never be the Interest of a Nation, especially of this Nation. The Injustice, the Haughtiness, or the Ambition of foreign Courts may force us into a War; but when this Misfortune happens, it is certainly the Interest of the Nation to push the War with all possible Vigour and Dispatch, in order to put an End to the Misfortune, as soon as we can, by forcing the Enemy to submit to reasonable Terms of Peace; and when Ministers do not push the War with Vigour and Dispatch, it is the Business and the Duty of this House to enquire into their Conduct, to punish them for their Neglect, and to put the future Management of the War into other Hands.

When the War we are now engaged in was first resolved on, every one of your Lordships, and I believe, every Man in the Kingdom, concluded, that the *West-Indies* was the most proper Place for prosecuting the War, so as to bring it to a speedy, as well as happy Issue. Every one saw it was there, where we could most hurt the Enemy, where they were the least capable to defend themselves, and where we might push the War with the most Ease and greatest Advantage. Every one therefore concluded, that the War would be begun by a vigorous Push in that Part of the World, and every one stands amazed, that for near a Year and half after Orders had been actually dispatched for committing Hostilities, no Enterprize of great Importance had been undertaken against any of the *Spanish* Settlements in *America*, nor any proper Force sent thither for such a Purpose. When I say this, my Lords, I would not be thought to derogate in the least from Admiral *Vernon's* Enterprize upon *Porto Bello*: It was a bold Undertaking, and was attended with the most glorious, I will say, the most unexpected Success;

Anno 14. Geo. II.
1740.

but no one can say it was an Enterprize concerted, or so much as dreamt of by our Ministers; because that Admiral was not, in their Opinion, according to what they had upon a former Occasion declared, provided with a Force sufficient for that or any other such Enterprize; and his Success shewed, that, if he had been provided with a proper Force, that Enterprize might have been pushed much farther, and made more advantageous to this Nation, and more prejudicial to the Enemy. For it is very certain, that if he had been provided with a proper Land-Force, and such a one as we might easily have spared to have sent along with him, or soon after him, he might have kept Possession of *Porto Bello*, instead of destroying it, and might have made himself Master of *Panama*, by which Means we should have laid the whole Coast of *Chili* and *Peru*, and the Western Coast of *Mexico*, open both to our Trade and to our Attacks; and being thus Masters of the Isthmus of *Darien*, by sending proper Reinforcements, and taking proper Care to prevent the Enemy's sending any, we might soon have made ourselves absolute Masters of the Mines of *Peru*, none of which lie a great Way from the Western Coast of *America*, which would at once have put an End to the War, or would have enabled us to carry it on, at the Enemy's Expence, against whosoever should have dared, either to join with them against us, or to prescribe Limits to the Operations of his Majesty's Arms.

My Lords, if our Inactivity, or rather our providing for Activity in the *West-Indies*, had been retarded or prevented by a designed Enterprize in any other Part of the World, or by any well-grounded Apprehensions of a dangerous Invasion, there would have been some Excuse; but as we seem not to have so much as thought of any other Enterprize, and as it is impossible for any Power in *Europe* to invade these Kingdoms with any such Land-Force, as may be dangerous, whilst we have a superior Force at Sea, and are able to lock them up in their Ports, this Inactivity in the *West-Indies*, and our Delay in providing for any Enterprize of Consequence in that Part of the World, appears absolutely inexcusable to all those, who are ignorant of the secret Springs of our public Conduct. To vulgar Eyes it appears to proceed from nothing but the most supine Negligence, or the most stupid Weakness, that Ministers were ever guilty of: Nay, there are many in this Kingdom, and some of them of no small Figure, who are apt to ascribe it to something worse than Negligence or Weakness: They know, that some of our Ministers were against the War, notwithstanding all the Provocation

Provocation we had met with: From hence they suspect, Anno 14. Geo. II. that these Ministers have resolved we shall have no Success in the War, so far as they are able, by their Art or Power, to prevent it; and that in Pursuance of this Resolution, they took Care we should not attack the Enemy in any Part of the World, till they had fair Warning, and sufficient Time to provide for their Defence; so that if we have Success any where, it will be owing to the natural Indolence and Laziness, or the Cowardice of the Enemy we have to deal with, and not to the Wisdom, Diligence, or Conduct of our own Ministers. 1740.

What I have already observed shews, that in this War we stumbled, our Ministers were guilty of Negligence, Weakness, or Wickedness, at the very first setting out: But, have we since recovered ourselves? Have our Ministers, by their Conduct since, atoned for the Fault they committed at the Beginning of the War? No, my Lords: Even after we heard of Admiral *Vernon's* Success at *Porto Bello*, and from thence were convinced, how defenceless the Enemy were in that Part of the World, we took no Care to send him any proper Supply, either of Ships or Land-Forces, nor did we take a proper Care, as is generally supposed, to prevent the Enemy from sending Reinforcements thither. Nay, if any Credit is to be given to vulgar Reports, Mr. *Vernon* was sent out so ill provided with naval Stores, that after the Affair of *Porto Bello*, he was obliged to lie by, several Months, during the most proper Season for Action in that Part of the World, for mere Want of spare Masts, Sails, and other Implements necessary for refitting his Ships, which, if true, must be allowed to be a most criminal sort of Oversight; for, surely, it will not be imputed to our Want of naval Stores here at Home, considering the vast Sums that have of late Years been given for the Support of our Navy, and considering that no Sum has lately ever been refused by Parliament, which was desired by our Ministers, on that or any other Account.

I could mention, my Lords, many other Mismanagements and fatal Neglects in the Conduct of the present War, which can no way be accounted for by those who are not let into any of the Secrets of State; and from hence, my Lords, there is now such a general Clamour raised in the Nation, that this House must enquire into the late Conduct of our Ministers, if we have any Regard to our Character, or if we have any Regard to our Duty, either to our King or our Country. When a general Clamour is raised among the People against the Conduct of the King's Ministers, it must be either with or without a real Foundation. If it be

Anno 14. Geo. II. without a real Foundation, we are in Justice to the Ministers, and in Duty to our Sovereign, obliged to enquire

1740.



strictly and impartially into their Conduct; because from thence the People will be convinced that their Clamour was without any real Foundation, and that what appeared to be owing to the Misconduct of the Ministers, was truly the Effect of Accidents or Fatalities, which the Ministers could neither foresee nor prevent. By this Means, we shall do Justice to our own Character, by shewing the People that we do not neglect their Safety; we shall do Justice to the Character of the King's Ministers, by shewing the People that they are innocent; and we shall do eminent Service to the King, by convincing the People that he employs no Fools or Knaves in the Administration of public Affairs.

On the other hand, my Lords, if there be a real Foundation for the Clamours raised among the People against the Conduct of the Administration, your Lordships are bound in Duty both to your King and Country, to enquire into that Conduct. To your Country you are in Duty bound, that it may, no longer suffer by the Weakness or Wickedness of its Governors; and to your King you are in Duty bound, that he may no longer be exposed to the Danger of losing the Affections of his People by the Misconduct of his Ministers.

Thus your Lordships must see, that when there is a general Clamour among the People, against the Conduct of the Administration, whether that Clamour be groundless or no, we are in Duty to our own Character, in Duty to our King, in Duty to our Country, bound to enquire into the Conduct of our Ministers; and this Enquiry must not be partial or superficial: We must have all Papers, all Materials, laid before us that are necessary for coming at the Truth: Without this we can give no Satisfaction to the People: We cannot distinguish the Guilty from the Innocent: The People will judge, whether we are in earnest or no, by the Materials we have before us, and by the Persons chiefly employed to make that Enquiry: From thence they will judge, whether our Enquiry be partial and superficial; and if they suppose it is, our Justification of the Conduct of the Ministers, instead of restoring their Character, will make us lose our own. Therefore, if the Ministers be perfectly innocent, if they have been guilty of no Fault, they will not only promote our Enquiry, but they will furnish us with every Thing necessary for our Information, and will desire that the Enquiry may be chiefly conducted by those who cannot be suspected of being partial in their Favour. I cannot pretend to the Honour of saying, the Ministers are my Friends; but I will say, that,

if they are innocent, I am not their Enemy; and as I hope Amo 14. Geo II.
 they will, upon a strict Enquiry, appear to be so, I shall be
 so much their Friend as to tell them, that, considering the
 public Scandal they lie under, the wisest and best Course they
 can take, either for themselves, their Sovereign, or their
 Country, is to submit their Conduct to the public Censure;
 and for that Purpose, to furnish us with all Papers that can
 be thought necessary for our thorough Information.

I know, my Lords, it may be said, that there are many
 Papers which cannot, consistently with the public Safety, be
 laid before this House, because the Secrets of our Govern-
 ment might thereby be discovered to our Enemies. This Ar-
 gument I do not think of any Weight, because in such Cases
 we may appoint a secret Committee to inspect such Papers,
 and to report such Parts of them, as may be communicated
 without Danger, with their Opinion upon the Whole: How-
 ever, as some of your Lordships may be of a different Op-
 inion, and as I am willing to have what I propose unanimou-
 sly agreed to, I have taken Care to obviate this Argument
 against my Motion: which is this: — To resolve, That
 a humble Address be presented to his Majesty, that he will
 be graciously pleased to give Directions to the proper Officer,
 to lay before this House, Copies of the several Orders and
 Instructions given to Vice-Admiral *Vernon*, from the Time
 of his sailing from *England* in the Year 1739, to the 24th of
June last; “except only such Parts of these Orders and In-
 structions, which relate to any particular Design, yet re-
 maining to be executed.”

My Lords, considering the Exception I have taken Care
 to add to this Motion, I cannot suggest to myself any Objec-
 tion that can be made to it. If your Lordships are resolved
 to give any Satisfaction to the People, by an Enquiry into
 the Conduct of our Ministers: Nay, if you have any
 Thoughts of exerting yourselves in your high Capacity of he-
 reditary great Council of the Crown, upon this Occasion,
 which must be allowed to be as important, as any that ever
 happened: Nay farther, if the Ministers themselves are not
 conscious of their own Misconduct, this Motion must, in my
 Opinion, be unanimously agreed to; and therefore, I think
 it unnecessary to take up your Lordships Time with saying
 any thing more in its Favour.

Duke of Newcastle.

My Lords,

That this House has a Right to enquire into the Conduct of
 past Measures, or that we may offer our Advice to the Crown,
 in relation to future Measures, are Questions that will never, I
 believe, be disputed by any Lord who has the Honour of a

Seat

Debate thereon.

Duke of New-
 castle.

Anno 14. Geo. II. ^{1740.} Seat in this Assembly ; but the Questions that usually come to be disputed upon such Occasions, are, whether it is then necessary or proper for us to enquire, or to offer our Advice. As to an Enquiry into the Conduct of past Measures, I hope it will not be so much as alledged, that it is at all Times proper to enquire, or that we ever ought to set up such an Enquiry without some very good Reasons for so doing ; therefore, when an Enquiry is proposed, the two Questions that naturally occur, are, whether there be any Reason for the Enquiry proposed, and whether that be a proper Time for setting up such an Enquiry. To say, that a general Clamour among the People affords a good Reason for an Enquiry, is, in my Opinion, a very improper Rule for any Lord in this House to determine himself by ; because there never was an Administration, whose Conduct was not clamour'd against by some ; nor was there ever a public Measure pursued, which was not misrepresented and complained of by some Persons in the Kingdom ; therefore, it is very difficult, if not impossible, for any Lord to determine, whether or no a Clamour be general, and the deciding of this Question will appear still more difficult or impossible, if we consider the present Circumstances of this Nation.

Your Lordships all know, that we still have in this Kingdom a very numerous Party, who are disaffected to our present happy Establishment. From this Party we must expect, that they will be continually endeavouring to raise a Clamour against the wisest Measures that can be pursued by the Administration ; and in this they will always be joined by those, who find Fault with public Measures for no other Reason, but because they were not concerned in advising or prosecuting them. These two Bodies of Men will at all times form a very considerable Party, and as the People in general are more apt to condemn, than to applaud the Conduct of Men in Power, the Endeavours of these two Bodies of Men will always be too successful ; especially, as in this Kingdom every Man may not only speak, but write and publish, almost whatever he pleases, against the Government of his Country. Thus, whilst our present happy Establishment endures, which I hope will be as long as the World lasts, we must expect, that there will be a Clamour against the wisest Measures that can be pursued by the Administration ; but such a Clamour will not, I hope, be said to be a sufficient Ground for this House to proceed to an Enquiry into the Conduct of past Measures ; because such Enquiry not only takes up the Time of this House, which might be otherwise better employed, but it diverts the Attention of our Ministers, and forces them to apply to their own Justification and Preservation,

vation, that Care and Time, which ought to be applied to Anno 14. Geo. II. the Safety and Prosperity of the Public.

1740.

A Clamour, therefore, among the People, however general it may appear, is not, I think, of itself sufficient to justify any Lord in giving his Vote for an Enquiry; consequently we must look for another Rule, by which we are to determine, whether there be a sufficient Reason for the Enquiry proposed, and this Rule is, in my Opinion, very far from being difficult to be found. It is in short this: Before any Lord consents to an Enquiry into the Conduct of past Measures, he ought to consider that Conduct, and the Light in which it appears to him; and if upon a general Survey, he can find no Reason to suppose, that it has been extremely weak, or extremely wicked, he ought not to give his Consent to an Enquiry. I say, my Lords, extremely weak or extremely wicked; for I do not think, that human Frailties or Oversights can afford sufficient Cause for this House to proceed to an Enquiry; nor can any public Misfortune afford such a Cause, if there appears to be a Probability, that it was owing to such Accidents as could not be foreseen, or such as could not be prevented, by those entrusted with the Management of our public Affairs.

This, my Lords, is the only Rule for judging, whether we have at present a sufficient Ground for setting up an Enquiry into the Conduct of past Measures, and according to this Rule I can find no such Ground. We have as yet, thank God! met with no uncommon or unexpected Misfortune in the War in which we are now unhappily engaged. We have not as yet, perhaps, met with all the Success, which was at the Beginning expected by some sanguine Persons, who were ignorant of the Difficulties we had to encounter, and the dangerous Situation in which the Affairs of *Europe* happened to be, when we found ourselves obliged to declare War. But we have met with greater Success than could reasonably be expected by any Man, who was fully informed: We have already done the Enemy greater Mischief than they can repair for many Years; we have opened a most beneficial Trade to the *Spanish* Settlements in the *West-Indies*; and upon the Balance, I believe, we have taken a great deal more from the Enemy at Sea, than they have been able to take from us, notwithstanding the vast Disproportion between the Trade and Navigation of *Great Britain*, and the Trade and Navigation of *Spain*. These, my Lords, are considerable Advantages, and if we have not reaped greater, it has been entirely owing to the weak Condition we were in, when *Spain* made it absolutely necessary for us to issue Letters of Reprizal, by refusing that Satisfaction she had so solemnly promised

Anno 14. Geo. II.
 1740.



promised in the late Convention. We had then no Troops on Foot, but such as were judged absolutely necessary for our Defence in Time of Peace, and we had not near such a Number of Men of War in Commission, as were necessary for guarding our Coasts, our Trade, and our valuable Settlements in the *Mediterranean*. It was therefore necessary to think of providing for our own Defence, before we could provide for attacking the Enemy; and as the Power of our Government is more limited than the Power of any other, every one knows the Difficulties our Government must always meet with both in raising Soldiers and Seamen.

My Lords, if we had no disaffected Party amongst ourselves, or if we had, at the Beginning of the War, had no Enemy to fear but *Spain*, we might perhaps have ventured to have sent a few of our regular Troops for attacking *Spain* in the *West-Indies*, before we had replaced them by new Levies; but neither of these was the Case. We have still a disaffected Party amongst us, and though that Party may not of itself be formidable to the Government, yet if the *Spaniards* had found Means to land 4 or 5000 regular Troops in any Part of *Great Britain* or *Ireland*, at a Time when we had not a sufficient Number of regular Troops for our Defence, the Invaders would have been joined by such a Number of the Disaffected, as would have made it very difficult for us to support our Government at home, and consequently utterly impossible for us to attack the Enemy, or even to defend our own Dominions abroad. I know that this will now be represented as a vain and ridiculous Apprehension, because, by the Wisdom and Care of our Ministers, the Danger has been prevented; but if they, by sending our Squadrons and Troops abroad, had exposed us to the Danger of an Invasion at home, and the Enemy had thereby found an Opportunity to land some Troops in *Britain* or *Ireland*, I am sure it would have afforded a much better Reason for an Enquiry into their Conduct, than any can be now assigned.

Therefore the Danger of an Invasion, even from *Spain*, was a good Reason for our delaying to send any Troops to the *West-Indies*, till a sufficient Number could be raised for that Purpose, which was done, in my Opinion, with all possible Dispatch, and the Fleet, with those Troops on board, sailed as soon as the Winds would permit; for I hope it will not be imputed to any Misconduct of our Ministers, that the Winds continued for two or three Months in the western Corner. But *Spain*, my Lords, was not the only Enemy we had, or have yet to fear: There is another Potentate in *Europe*, whose Interest it is to prevent this Nation's extending its Dominions in *America*, and therefore we had

had Reason to apprehend from the Beginning, that he would join with *Spain* against us, if he saw any Probability of doing it with Success. The only Method we had to prevent this Probability, was to provide for our Defence, both by Land and Sea, in such a Manner, as to prevent its being in his Power to do us a Mischief here at home, or give a Check to our Arms abroad, even though he should openly join with *Spain* for that Purpose; and this made it necessary for us to keep greater Armies at home, and more powerful Squadrons upon our Coasts, than we should otherwise have had Occasion for. Even the very Suspicion of our designing to make Conquests upon *Spain* in *America*, has, we find, made this Potentate send his Squadrons to the *West-Indies*: What they intend to do there, is not as yet known; but if they intend any thing against us, it is to be hoped, his Majesty's Squadrons, now gone thither, will be able to give a good Account of them. I am far from supposing, they have Orders to join with *Spain*, or to act any Way against this Nation; but their having failed thither justifies the Suspicions of our Ministers, and shews, that they were in the right to provide against the worst, especially here at home; for Nature itself teaches us to guard chiefly the most vital Parts, and even to expose the Members for preventing a Blow in any vital Part.

Thus, my Lords, our not having till very lately sent any Land-Force to the *West-Indies*, may be easily accounted for; and the ill Success of all our former Expeditions against *Old Spain* most shew, that it would have been very imprudent in us to make any such new Attempt. Such Attempts must always put this Nation to a vast Expence; and whatever Profit private Men may get by Plunder, the Nation can expect no Advantage, nor can we greatly distress the Enemy, by any such Attempt, let it prove ever so successful. The chief Thing we had to do in the *Mediterranean*, or upon the Coasts of *Spain*, was to protect our Trade and our Settlements in that Part of the World, which we have effectually done; and the only thing we could reasonably pretend to do in the *West-Indies*, till after we had provided for our Defence at home, was to prevent the Return of the Galleons, which we have likewise effectually done: Nay, by the Conduct and Bravery of the Admiral which his Majesty was pleased to send thither, we have done a great deal more; for by the Demolition of the Fortifications at *Porto Bello* and *Chagres*, we have made it impossible for any Galleons ever to return, as long as the War continues between *Great Britain* and *Spain*. This of itself must bring great Distress both upon the Court and Kingdom of *Spain*, and will at

Anno 14. Geo. II.
1740.



last compel them to submit to reasonable Terms, without our making any Conquests in that Part of the World, which will, in my Opinion, be a dangerous Attempt, not only because of the Difficulty attending the Experiment, but because it may unite all the trading Powers of *Europe* in a League against us.

Therefore, my Lords, as Things appear to me from those Circumstances that are public, I can see no Reason to find Fault with the Management of the War, and consequently I can see no Reason for our giving either ourselves or the King's Servants the Trouble of enquiring into their Conduct. I say, my Lords, as Things appear to me from those Circumstances that are public, which every one of your Lordships is as good a Judge of as I am ; for I do not pretend to argue from any secret Intelligence ; if I had the Liberty to do so, I might perhaps give a much greater Weight to my Argument ; I might perhaps be able to clear the Administration of every Suspicion of Misconduct ; but this I do not think necessary, because in the present Case it is sufficient to argue from public Appearances ; it is from them those Lords must argue, who happen to have no Share in the Administration ; and if from them we find no Reason to suspect our Ministers of extreme Weakness or Wickedness in the Conduct of public Affairs, we can have no sufficient Ground for setting up a Parliamentary Enquiry, which must always be troublesome, if not dangerous, and can be attended with no national Advantage, when there has been no Error in our public Conduct. For to imagine that such an Enquiry, let it be ever so strict and impartial, would pacify the Clamours without Doors, is, in my Opinion, a very vain Imagination. There are no Clamours but among the dissatisfied and discontented ; as to the former, nothing will ever satisfy them, but the total Overthrow of our present happy Establishment, which the Nation has great Reason to dread ; and as to the latter, nothing will ever satisfy them, but the total Overthrow of the present Administration, which the Nation, I think, has no Reason to desire.

But suppose, my Lords, that from public Appearances we had some Reason to suspect the Administration of Mismanagement in the Prosecution of the War, is this a proper Time to enter into a parliamentary Enquiry into that Mismanagement, or to call for the Papers necessary for that Purpose ? To enter into such an Enquiry, and to have such Papers laid before this Assembly, *pendente Bello*, would certainly be attended with the most fatal Consequences : It would of course discover all our Secrets to the Enemy, and not only prevent our being able to attack them with Advantage,

but

but instruct them how to attack us in the most tender and defenceless Part: It would not only lay open all the Government's hidden Channels for secret Intelligence, but would expose those who had conveyed, or engaged to convey that Intelligence, to certain and inevitable Destruction; and this would be of infinite Prejudice in all Wars we may hereafter be engaged in; for no Foreigner would ever engage in a secret Correspondence with any of our Ministers, lest, by a parliamentary Enquiry, his having engaged in such a Correspondence should be discovered to his own Court, and he exposed not only to Punishment, but to indelible Infamy and Reproach.

Annot. Geo. II.
1740.

My Lords, the Dangers, the Inconveniencies, the certain Mischiefs attending such an Enquiry, are obvious and innumerable; because it is impossible to carry on the Enquiry without having all the Papers laid before us, that relate to the Conduct of the War; and as it is impossible to keep Papers secret that are once laid before this House, therefore it ought to be laid down as a Maxim, that, *pendente Bello*, no Enquiry into the Management and Prosecution of that War can be set on Foot. This the noble Lord appears to have been sensible of, when he made his Motion, and therefore he took Care to conclude it with an Exception, as to those Parts of Orders or Instructions, which relate to any particular Design, yet remaining to be executed. But do not your Lordships see, what an Heap of Confusion you are going to call for? The Instructions given to an Admiral, employed against the Enemy, at such a Distance as the *West-Indies*, must relate to many particular Affairs, and to several particular Expeditions, some of which may have been executed, and others perhaps remaining to be executed; and these must be so intermixed, that if you were to have the Parts relating to the former, without having at the same Time communicated to you the Parts relating to the latter, the Whole would appear to be downright Nonsense: It would be impossible for you to get from thence any such Information as could be depended on, or to form any Judgment of the Conduct of the War. Those Parts, therefore, that relate to Designs already executed, can be of no Service to you, if they were communicated, and by this very Exception you admit, that those Parts which relate to Designs yet remaining to be executed, ought not to be communicated.

Thus your Lordships must see, that the Motion, as it stands at present, is inconsistent with itself, and therefore it must be inconsistent with your Lordships Wisdom to agree to it. But farther, my Lords, there may be Articles in the Admi-

Anno 14. Geo. II. ral's Instructions, which relate to no Design that has been
 1740.

or is to be executed; and yet they may be such as ought not to be made public. There may be Articles relating to the Places where, and the Persons to whom, or the Methods by which he is to apply for secret Intelligence; and these your Lordships will, I believe, admit, ought not to be made public by being communicated to this House. In short, I do not see how you can agree to this Motion, unless you alter the Exception, and conclude thus, Except such Parts of those Orders and Instructions, which contain Secrets that ought not to be divulged; and what Use an Address for Instructions, with such an Exception at the Tail of it, can be of to your Lordships, I confess, I do not comprehend.

From these Reasons, my Lords, I must be of Opinion, that you cannot, consistently with the public Safety, call for any of the Instructions that have been given to Admiral *Vernon*; but as to the Orders that have been given him, such as sailing Orders, Orders for Repairs, or Orders for Victualling, and the like, most of them, I believe, may be communicated without Danger, and therefore your Lordships may address for having them laid before you, if you think fit; for upon this Occasion I must observe, lest some of your Lordships should mistake, that there is a very great Difference between the Orders and Instructions given to an Admiral: The former seldom contain any great Secret, the latter generally do; and therefore the former have often been communicated to Parliament, but the latter have seldom or never been call'd for: At least, I believe I may say, they have never been called for, till those Affairs were entirely over, to which they could be any way supposed to relate.

Having now shewn, my Lords, that we have no Reason for setting up a parliamentary Enquiry into past Measures, and that if we had, the present is not a proper Time for it, I shall next observe, that supposing it were both proper and necessary for your Lordships to give your Advice, with regard to our future Conduct, I do not see how, for this Purpose, it is necessary for you to see the Instructions given to Admiral *Vernon* before the 24th of *June* last; for the Posture of Affairs, both in *Europe* and the *West-Indies*, is so much altered since that Time, that those Instructions can no way contribute towards your Information, or towards your determining what Advice you ought to give upon the Posture of Affairs, as they stand at present. Therefore, as the Papers now moved for, are no Way necessary for this Purpose, and as an Enquiry into the Management of the War, would be not only improper but unsafe, as long as the War continues,

times, we can at present have no Occasion for seeing these Orders and Instructions; and for this Reason I must be against the Motion.

Anno 14. Geo. II.
1740.

Lord Carteret.

My Lords,

We have, I think, almost every Session of Parliament some Distinction started, where there is really no Difference, and some new Maxim introduced, which is inconsistent with the fundamental Maxims of our Constitution. To lay it down as a Maxim, that no parliamentary Enquiry into any Part of the Management of a War, is to be set on foot, *pendente Bello*, is to tell us, that with regard to the conducting of a War, where Mistakes are most dangerous and irreparable, our Parliaments are quite useless. This Maxim, indeed, is very much a-kin to another Maxim I have often heard in this House, that you must not enquire into the Conduct of a Negotiation, till the Negotiation be concluded. These two Maxims, I think, if they were admitted, would effectually exclude our Parliaments from ever intermeddling in foreign Affairs; at least it would prevent our intermeddling, till the Mischief had become irreparable. In domestic Affairs, which neither relate to War nor Peace, you may intermeddle, you may rectify the Blunders of your Minister, you may prevent the Mischief before the Remedy is out of your Power: But in foreign Affairs, you shall not enquire into a Negotiation, till that Negotiation ends in an infamous Treaty, which your Enquiry cannot set aside: or in a heavy War, which might have been prevented by a well-conducted Negotiation, and which your Enquiry cannot put a Stop to: You shall not enquire into the Conduct of a War, till by the Blunders of Ministers our Fleets and Armies are destroyed, and the Nation obliged to submit to a dishonourable Peace, when your Enquiry can neither restore your Fleets and Armies, nor prevent the fatal Consequences of a dishonourable Peace.

This, my Lords, is the true State of the Doctrines lately broached in Parliament; and from stating them in their true Light the Ridiculousness of them must appear: I am sure no independent Parliament will ever admit of them, and it is but very lately since they have been contradicted by the Practice of Parliament. In the Year 94 we were engaged in a more dangerous War than the present; in that Year the War was in its greatest Fury, yet this did not prevent the Parliament's enquiring into the Conduct of the War. No Minister then presumed to tell them, that such an Enquiry was not to be set on foot, *pendente Bello*; on the contrary, the Enquiry was promoted both by the Ministers and by the Admiral concerned:

Anno 14. Geo. II. concerned : The former were conscious they had given such
 1740.

Orders and Instructions as were right, and the latter was conscious he had pursued his Instructions to the utmost ; therefore both joined heartily in promoting the Enquiry, and in furnishing the Parliament with every thing that could be thought necessary for that Purpose, in order to remove the groundless Clamours that had been raised against them. They did not pretend, that the laying of the Admiral's Orders or Instructions before Parliament, would discover the Secrets of Government to the Enemy : They were both laid before Parliament ; for whatever Distinction may be made between Orders and Instructions, there is no real Difference : An Instruction must be as exactly observ'd, and as punctually pursued, as an Order, and an Order may contain Secrets, as well as an Instruction ; and when an Enquiry is set on foot, both must be laid before Parliament, for without the Instructions, as well as the Orders, it would be impossible for the Parliament to proceed. If there be in either any Secrets which ought not to be discovered, his Majesty is to acquaint his Parliament with it, and upon that Information which can be taken from none but his Majesty, a secret Committee is to be appointed, or the Enquiry put off, till a more convenient Season.

To tell us, my Lords, that we can ask for nothing but failing, victualling, or repairing Orders, is to tell us, we can do nothing but the Drudgery-Work of Ministers. Little Contracts about Victualling, or about naval Stores, are not to be enquired into here : The other House may enquire into them ; but most properly, it is the Business of Ministers ; for they are to take Care, that all their little Under-Agents do their Duty : If they do not, it is our Business to enquire into the Conduct of the Ministers, and to punish them for their Neglect. I hope some of our Ministers have been for vigorous Measures ; and they, I hope, will enquire, how all the vigorous Measures they had concerted, have been entirely disappointed, or very much retarded, by little Under-Agents : It is their Business to remove and punish those Under-Agents ; and if they find they cannot do so, if they find those Under-Agents protected by a Power, which they cannot encounter, it is their Duty to call for the Assistance of Parliament ; for I hope there is no Power in the Kingdom, which a Parliament will not dare to encounter ; I hope there is no Power in the Kingdom, which a Parliament may not be able to defeat.

To me, my-Lords, it is surprizing to hear, that no Lord in this House can determine, whether or no a Clamour be general : We cannot, perhaps, count Noses, and tell the exact

exact Number of those that clamour, and of those that do not; but surely we can tell when the Conduct of public Affairs is found fault with, and exclaimed against by great Numbers of Men, who are governed neither by Disaffection nor Disappointment. This is the Case at present, and as generally so, I believe, as ever was known in this Nation; I believe there is not a Man in the Kingdom, absolutely independent, that will say, he is thoroughly satisfied with the Management of the War: Even by Place-men and Officers it is exclaimed against, in all Companies where they think they can speak their Mind with Safety. The Clamour is general over the whole Nation, and no Wonder it should be so: The People have last Year paid four Millions towards a vigorous Prosecution of the War, and yet nothing done, but what has been done without any express Orders from our Minister. Is not this a good Reason for Complaint? Will not the People expect from us a Reason, why their Money has been thus thrown away, without any Effect? And can we give them a Reason, without the least Enquiry into the Affair? In this Session of Parliament, we must again load the People with four Millions for next Year: They will pay it willingly, if they find the Parliament as ready to censure as applaud; but they will pay it with Regret, with Murmuring, if they find, that those who impose such heavy Taxes upon the public, take no Care of their being applied in the most proper and effectual Manner to the public Service.

If we should return to the Country, my Lords, and tell the People, that our Government durst not send our Forces out to invade the Enemy, for fear of their invading us, will not every Man of common Sense laugh us to Scorn? Does not every one know, that the best Way to prevent an Invasion is to invade? Did not the *Romans* send *Scipio* to invade the *Carthaginians* at the very Time that *Hannibal* was in *Italy*, and almost at their Gates? But the Case with us is still stronger; we could easily have invaded the Enemy, when and where we pleased; whereas it was difficult and dangerous, if not impossible for them to invade us at any Time, or in any Place. To pretend, that we must always keep a mercenary Army of 30,000 Men in *Britain* and *Ireland*, for supporting our Government against an Invasion with 4 or 5000, must be ridiculous, or it must be a very bad Compliment to the Illustrious Family now upon our Throne; because it is supposing, that they have few or no Friends in the Nation, but those they keep in daily Pay. And to say, that a common Soldier, who has no Property, who has neither *Ara* nor *Focus*, will fight against a foreign

ANNO 14. Geo. II. a foreign Invader with more Courage and Resolution, than those that fight *pro Aris & Focis*, is, I am sure, a very unjust Reflexion upon all the Gentlemen, and all the Men of Substance in the Kingdom.

1740.

But, my Lords, we were, it seems, to guard against an Invasion from *France*, as well as *Spain*; and for this Reason we were obliged to keep our Squadrons and our Armies at home, instead of sending them out to invade our declared Enemy. I am sorry to hear, that an Administration which has so long and so effectually served the Court of *France*, an Administration which so lately joined with them in pulling down the overgrown Power of the House of *Austria*, an Administration which so lately left the Emperor to their Mercy; I say, I am sorry, that such an Administration should have the least Cause to suspect, that *France* would invade us, or that she would join with *Spain* in such an unjust War against us. But suppose, my Lords, our Ministers have now at last found, that the Gratitude of *France* towards this Nation is not to be depended on, which they have often been warned of: Suppose they had good Reason to suspect, that *France* would invade us, if she could find an Opportunity; yet those who knew what Condition the Navy of *France* was in, when the War broke out between *Spain* and us, and I hope it will not be said that our Ministers were ignorant of it, could not be under the least Apprehension of an open and considerable Invasion from *France*; and if they had attempted to invade us by Stealth with 4 or 5000 Men, I hope the Gentlemen of any County in *Britain*, with their Tenants and Servants, will always be able to give a good Account of such a small Number of foreign Invaders; for I shall not mention the Militia, because, as they are regulated and managed, they are so far from being Troops, that they can scarcely be accounted Men.

I am therefore of Opinion, my Lords, and I believe the greatest Part of the Kingdom are of the same Opinion, that we had no Occasion for above one Half of the Troops we had on Foot at the Beginning of the War, for protecting us against any Invasion, either from *France* or *Spain*. We might, therefore, at the very Beginning of the War, have spared to send a much greater Number of Troops, and a more powerful Squadron, than we had Occasion for here, to the *West-Indies*; and if we had any well-grounded Suspicion, that *France* would at last join with *Spain* against us, or attempt to limit the Operations of his Majesty's Arms, it was so far from being a Reason for keeping our Troops or our Squadrons at home, that it was a strong Argument for sending

ing them out, in order to make a vigorous Push, and to Anno 14. Geo. II. gain as much as we could from the *Spaniards*, before the *French* could come to their Assistance, which we knew they could not do, till they had repaired and augmented their Navy. This was what our Ministers ought to have done, unless they were resolved, from the Beginning to carry on the War according to Directions from the Court of *France*, and to push it no farther than that Court should give them Leave; which, I am afraid, was the Resolution of some of them, tho', I am convinced, not of all; and this is, in my Opinion, an unanswerable Argument for a Parliamentary Enquiry: It ought to be an Argument with many of those concerned in the Administration, that the Guilty may be detected, and the Innocent relieved from that Load of Reproach, which now lies indiscriminately upon the Whole.

Therefore, my Lords, if it was the Duty of our Ministers to have sent a Land-Force to the *West-Indies* at the very Beginning of the War, and if they could have done so, without exposing the Nation to any Danger at home, they were guilty of Misconduct, long before they could plead contrary Winds for an Excuse. Contrary Winds are not to be found fault with, because of him who is the Author and Director of Winds. Thank God! they have been often in Favour of this Nation. In Queen *Elizabeth's* Time, they did us a signal Favour; *Affluvit Deus, hostesque dilabuntur*, she therefore took for a Motto; and if they were against us last Summer, it was perhaps a Judgment, on Account of our having so long neglected the Means we had daily in our Power: But I am far from thinking, that the Winds were the sole Cause of our Fleet's lying so long at the *Isle of Wight*; this is a Question, which is now *sub Judice*, and is to be determined by this House upon an Enquiry, when it will perhaps appear, that the Winds were not the sole Cause of that Fleet's delaying to sail, till his Majesty came to put an End to all Contradiction; but be this as it will, the Delay was in some Measure lucky for us: If it had failed two or three Months sooner, it would not have been so strong; and in that Case, the *Spanish* and *French* Squadrons might, perhaps, have been able to destroy it in the *West-Indies*; whereas both of them joined together are not now to be feared, especially if it gets to the *West-Indies* before Admiral *Vernon* meets with any Misfortune, which, I think, he will be very much exposed to, if the *French* have any Design to join the *Spaniards* against us; and if he should, I do not see how our Ministers will be able to excuse their having had so bad Intelligence, both of the *French* Designs, and of the sailing of their Squadrons.

Anno 14. Geo. H.

1740.

My Lords, as I have mentioned Admiral *Vernon*, I must observe, that I am surprized to hear our Ministers assume to themselves, by Way of Excuse for their Conduct, any Thing that has been done by that Admiral in the *West-Indies*. If we consider the Method in which they began the War, and the Time that Admiral was sent out, we cannot suppose, they gave him Orders, or that they intended he should attack any of the *Spanish* Settlements in *America*. And if we consider their Opinion of the Strength of *Porto Bello*, and the small Force they furnished him with, we can far less suppose, they intended he should attack that Fortress: At least, if we make any such Supposition, we must add to it another, that they intended that both he and the Ships they put under his Command, should be destroyed. As our Ministers began Hostilities by Reprizals, and as Admiral *Vernon* was thereupon sent to the *West-Indies*, we must suppose, that he had no Orders or Instructions for any Thing but Reprizals: These, we may suppose, considering the Temper of the Man, were in the most ample Terms, "To seize all Ships, Vessels, and Goods belonging to the King of *Spain*, or his Subjects, or others inhabiting within any of the Territories of the King of *Spain*;" and these the Admiral interpreted in the most ample Manner, by concluding, that he might seize Goods at Land, as well as by Sea, and demolish every Thing that opposed him.

I could almost engage, my Lords, that his Orders were in the Words I have mentioned, or something to that Effect: and I have good Reason to believe, that he received no additional Orders or Instructions, till after his taking and demolishing the Castle of *Chagra*; so that neither of Admiral *Vernon*'s Expeditions is to be imputed to the Conduct of our Ministers; for if he had not put a Construcion upon his Orders, which few but himself would have done, we should have heard no more of his Exploits in the *American* Seas, than we have heard of our other Admiral's Exploits in the *Mediterranean*: But he put that Construcion upon his Orders, which the Honour and Interest of his Country required, tho' perhaps not that which some in the Administration intended. In so doing, he did right; his Country has already approved of his Conduct; and I trust in God, his Country will be able to protect him against all his Enemies, be they *Spanish* or *English*.

Thus I have shewn, my Lords, that from the Method in which our Ministers began the War, and the Time when Admiral *Vernon* was sent out, we cannot suppose, that he had Orders for attacking any of the *Spanish* Settlements in *America*; and as they had before publicly declared it as their Opinion,

Opinion, that Admiral *Hofler* could not propose to attack *Porto Bello* with Success, notwithstanding the strong Squadron he had under his Command, we can from thence far less suppose, that they gave Orders to, or intended, that Admiral *Vernon* should attack that Fortrefs, since they did not furnish him with half the Force. This, as I have said, we cannot suppose, without adding another Supposition, which, I believe, no Friend to our Minister will be fond of admitting. But Mr. *Vernon*, it seems, knew better than they; he knew that Castles are a vain Defence against Ships of War: He then declared his Opinion; and soon after his Arrival in the *West-Indies* he confirmed his Opinion by Experiment: He attack'd *Porto Bello*; he carried it; and thereby he shewed the true Spirit of his Countrymen, their Intrepidity in attacking, their Moderation in Victory, their Disinterestedness in the Use they make of it, and their Honour in observing Capitulation. In all these Particulars their very Enemies commend them; and this, the *Spaniards* themselves allow, was Mr. *Vernon's* Behaviour at *Porto Bello*.

Let me now, my Lords, state the Case fairly and distinctly. It is allowed on all Hands, that the proper Method for distressing the Enemy, or gaining a real Advantage to this Nation, is to take and hold some of their Settlements in *America*; therefore, the only proper Orders that could be given to any Commander in that Part of the World, was to endeavour to take Possession of some of those Settlements; and for this Purpose, he ought to be furnished with a proper Force; but Admiral *Vernon* was not furnish'd with a proper Force. If he had carried but two Battalions along with him, he would not have destroy'd, but would have kept Possession of the Castles, both at *Porto Bello* and *Chagra*. This would have been a real Advantage to this Nation, and would have brought such a Distress upon *Spain*, as would, probably by this Time, have forced them to a Submission. From hence it is evident, that there must be a Fault somewhere: If Mr. *Vernon* had no proper Orders, they are guilty, who neglected to give him such Orders; if he had proper Orders, they are guilty, who neglected, for no less than 18 Months, to furnish him with a proper Force. After this, will any Lord say, that we have no Reason to enquire into the Management of the War? Will any one say, there is no Ground for the Clamours that are so loud and so general without Doors?

Thus your Lordships must see, that you are not desired to proceed to an Enquiry into the Conduct of the War, without a most solid, a most apparent Reason; and if there be such a Reason, I am sure, the sooner we go about an Enquiry,

Anno 14. Geo. II.

1740.

quity, the better; for we may thereby prevent most fatal Mischiefs, perhaps irreparable Ruin, that may be brought upon the Nation by another Year's Mismanagement of the present War, and by the Mismanagement of another more dangerous War, which this Nation may, in all Probability be engaged in, before we meet again in this House. The noble Lord who made you the Motion, has taken all possible Care to obviate the modern Objection, relating to the Danger of discovering Secrets. He does not desire to see what relates to Designs, yet remaining to be executed. Surely, if the whole of the Instructions be not a Heap of Confusion, every distinct Design must have a distinct Article, and therefore I cannot join with the noble Duke, in supposing they are so intermixed, that the one cannot be understood without the other. But a short and a full Answer to all such Objections is, that if his Majesty should, by way of Answer to our Address, inform us, that what we call for contains Secrets, which ought not to be discovered, or that the Articles relating to Designs already executed, are so intermixed with the Articles relating to Designs yet remaining to be executed, that the one cannot be understood without the other; I say, if his Majesty should by his Answer give us such an Information, we must appoint a few of our Number, as a secret Committee, and desire, that all such Instructions or Papers may be laid before them; for there are many Lords in this House, who must be allowed to be as fit to be entrusted with the Secrets of our Government, as any Minister employed by his Majesty; and if we do appoint such a Committee, I hope we shall chuse such Lords, as have never been entrusted with any Secrets of the Minister.

But suppose, my Lords, that no Enquiry into the Conduct of past Measures were at present necessary; suppose that the Nation, as well as this House, were fully satisfied with the Conduct of our Ministers; yet surely, if ever we exert our Privilege of being the great hereditary Council of the Crown, we ought to exert it upon this Occasion, an Occasion perhaps the most important that ever this Nation saw. The Affairs of *Europe* are at present in such a ticklish, such an unhappy Situation, that one wrong Step in the Conduct of this Nation may involve *Europe* in irrecoverable Thralldom. Shall we then, at such a critical and important Conjunction, for fear of disobliging a Minister, refuse or neglect to make the proper Use of our Birth-right? Shall we, for fear of discovering the Secrets of Government, delay doing our Duty to our Country and Sovereign, as if no Lord in this House were fit to be entrusted with the Secrets of his Country, but such as happen to be the Favourites of the Minister?

ster? Secrets, my Lords! I do not believe, the Govern- Anno 14. Geo. II.
ment has had any Secrets this twenty Years, that are of such 1740.

Importance, as to make it of great Signification to the Nation, whether they are discovered or no: The Minister, indeed, may have many Secrets of Importance, but they are such as ought to be discovered, that the Nation may see how it has been governed, that his Majesty may see how he has been served. I hope, therefore, no Fear, no Pretence, shall prevent our making use of our Birth-right, and performing that Duty we owe both to our King and Country: I hope we shall upon this Occasion give our most serious, our most sincere Advice to our Sovereign. Can we do this without being fully informed of the State of our Affairs both at Home and Abroad? Can we get this Information any Way, but by having all Papers laid before us without Reserve, that relate to any important Transaction our Government has been of late Years engaged in?

The noble Duke has told us, that the Posture of Affairs is very much altered since *June* last. My Lords, I shall grant it; but the present unlucky Posture of Affairs is owing to the Posture they were then in, and the unlucky Posture they were then in, was chiefly owing, I believe, to the shallow Conduct of our Ministers for several Years before. If they had begun and prosecuted this War with Vigour, it would have recovered the Character of the Nation: It would have attached to us our antient Allies; and it would have prevented any Power in *Europe* from daring to disturb the Tranquillity thereof. Therefore, before we can give any Advice to our Sovereign, we must see the Orders and Instructions given to our Admiral in the *West-Indies*, because if they appear to be such as I suspect they are, the first Advice we ought to give to our Sovereign must be, to remove from his Councils those that advised the giving of such Orders and Instructions.

My Lords, if this Motion be agreed to, it will encourage Lords to move for other Papers, that may be necessary for our Information upon this important Occasion. Even the Papers now moved for may shew us, that a thorough Enquiry into our Affairs is become necessary, that for this Purpose all Papers must be laid before us without Reserve, and that therefore we must name a secret Committee for inspecting those Papers, that contain or mention any Affairs which ought not to be discovered. But if this modest Request be disagreed to, can any Lord expect Success in any Motion of the same Kind? And, I am sure, without having the proper Materials before us, we can neither enquire into the Conduct of past Measures, nor give any Advice to our
Sovereign

Anno 14. Geo. II. Sovereign with regard to future Measures; therefore, my Lords, upon this Question, insignificant as it may appear to some, the Fate of this Nation, the Fate of *Europe*, must, in my Opinion, depend. If it is agreed to, we shall be able to search the Ulcer to the Bottom, and in that Case we may find a Remedy: But, if it passes in the Negative, I shall expect to see the Liberties of *Europe*, and consequently the Liberties of this Nation, overturned, by the same Sort of Conduct, by which they have been brought into their present Danger.

1740.

Earl of *Isle*.

My Lords,

Earl of *Isle*.

I shall be extremely ready to agree to an Enquiry into any Part of the Conduct of past Measures, as soon as a proper Opportunity offers for that Purpose; and I shall be so, I believe, for a Reason very different from that by which some Lords are swayed. I shall be for it, because, I am convinced, it will fully justify our present Ministers, and vindicate their Conduct from all the Aspersions that have been groundlessly cast upon any Part of it so enquired into; but a general Enquiry into the Conduct of all past Measures, especially such as just then happen to be upon the Anvil, is unprecedented and dangerous for the public Safety, and therefore, I shall never, for what I know, agree to it. Your Lordships have often enquired into the Conduct of a particular Affair, or into the Conduct of a particular Expedition; but I remember no Example of your having set up a general Enquiry into all the Measures of an Administration; and as little do I remember your having enquired into any public Measure whilst it was in Agitation, or into the Conduct of any particular Expedition whilst it was in the Prosecution, and not fully compleated or laid aside. When the War is concluded, I do not know but your Lordships may make a general Enquiry into the Management of the War, from the beginning to the End; or even during the War, you may pick out any particular Expedition, when it is over, and no Hopes of resuming it, and you may enquire how it was conducted, in order to find out the Reason why it was not more fortunate; for when the Event has proved as fortunate as could be expected, your Lordships can have no Occasion to enquire into it. But till the War is at an End, you cannot safely, and therefore ought not to set up a general Enquiry into the Prosecution of it; nor can you safely, and therefore ought not to enquire into the Conduct of any particular Expedition, till it is quite laid aside.

This, my Lords, is what is meant by not setting up an Enquiry *pendente Bello*, and the admitting of this as a Rule

Rule for your Conduct, can be attended with no Mischief to the Nation, nor can it any Way derogate from the Privilege or Usefulness of this Assembly; for if your Lordships should at any time be of Opinion, that a War has been imprudently conducted, you may, even during the War, pick out some Part of it, ~~some~~ one Expedition which is quite over, and which you think has been the worst managed; you may enquire into that Part of the War, and by that Means you may remove the Guilty from having any thing farther to do in the Management of the War. Thus your Lordships must see, that this Maxim can be attended with no bad Consequence, and the Reason for admitting it is plain; because, by a general Enquiry before the War is at an end, or by an Enquiry into any particular Expedition before it is quite laid aside, you would discover such Secrets to the Enemy as might prevent any future Success.

Annex 4. Geo. II.

1740.

That this would be the Consequence of the present Motion, should it be agreed to and comply'd with, is, I think, highly probable. It is certain, if the Instructions and Orders given to Admiral *Vernon* are such as they ought to have been; what they are I do not know, for I never had Occasion to see any of them; but if they are such as they ought, and such as I hope they will appear to be, there must be many Articles in them, which will make it very improper to lay them before this Assembly. My Lords, to lay them before this House would be the same with publishing them; we may as well desire they should be sent to the Court of *Spain*, as desire they should be laid before us; for when we consider how many Strangers are daily attending our Debates, and how many Persons have free Access to our Table, we must conclude it impossible to keep any thing secret that is once laid before us. The Exception which the noble Lord was pleased to add to his Motion, is no Salvo for this Objection; for there must be many Things in the Instructions, which do not relate to any Expedition yet remaining to be executed, and, nevertheless, are such as ought not to be published. In the Time of a very prudent and vigorous, tho' unlawful Government, we had a War with *Spain*. An Admiral with a strong Squadron was then sent to the *West-Indies*, and in his Instructions there was a particular Description of all the *Spanish* Ports and Settlements in that Part of the World, with very proper and just Remarks upon each: There was likewise an Account of all the Informations we had relating to them, and the Places where, and Persons from whom, he might expect any Advice or Assistance. May we not from thence suppose, that the Instructions given to Admiral *Vernon* are of the same Nature? Suppose

Anno 14. Geo. II.
1740.

pose they contain an Account of all the strong and weak Places in the *Spanish West-Indies*, and Directions how each of them may with the greatest Facility be attacked: Suppose they contain an Account of all the secret Intelligence, our Ministers have had from that Part of the World for many Years past, and the Persons Names who gave them that Intelligence: Suppose they contain an Account of the Places where, and the Persons to whom, the Admiral might apply for future Intelligence: Suppose they contain an Account of the most defenceless Places in our own Plantations, and the Methods which the Admiral is to take for securing them. These Suppositions, my Lords, are not imaginary: I do not make them *ad Libitum*: I make them, because it is highly probable they are true; and if they are, I am sure it would not only be improper, but vastly imprudent, to publish these Instructions, which will be the Case if you agree to the Address proposed, and his Majesty complies with it; for such Instructions cannot be positively said to relate to any Expedition, yet remaining to be executed.

But if your Lordships say, that such Articles of the Instructions, as contain all or any of the Particulars I have mentioned, must be supposed to relate to all Expeditions, whether already executed, or yet remaining to be executed, and are therefore within the Exception the noble Lord has been pleased to add to his Motion: In this Case, I shall grant, your Address can do no Harm; but then I shall be against it, because, from the Arguments made use of in its Favour, it must appear, that it can do no Good, nor produce any Effect; and I think it inconsistent with the Wisdom and Dignity of this House to offer an Address to the Crown, which can be of no Service to ourselves or the Public. This, I say, my Lords, appears from what has been said by the noble Lords, who have spoke in Favour of the Motion. They say, it is not possible to suppose Admiral *Vernon* had any Orders or Instructions to attack *Porto Bello*, or the Castle of *Cbagra*: These are the only Expeditions, the only Designs already executed: What then are you to address for? For nothing. If the Admiral had no Instructions for either of these Purposes, all his Instructions must some Way relate to Designs yet remaining to be executed; and consequently you can expect nothing from his Majesty in Pursuance of your Address. Thus it appears, that you must either mean to address for nothing, or for something that is inconsistent with the public Safety; and in either Case, it is what I cannot agree to.

I have often heard it said in our Debates, that if Lords were in earnest in their Professions, they would agree to what was proposed. My Lords, I hope I shall be excused, when I say, this is not Parliamentary Language. All Sides are supposed to be in earnest in every thing they profess: Charity obliges us to believe, that every Lord is in earnest in what he says, and Decency obliges us to avoid insinuating he is not. I know there have been Examples of a contrary Behaviour on both Sides; but whatever Clamours there may be without Doors, the Regard we owe to the august Assembly of which we are Members, should, upon all Occasions, make us bridle our Tongues, and be extremely cautious of using any harsh Expressions, or making ugly Insinuations, with respect to one another: Whilst we do this, we may be very easy about the Clamours without Doors; for it is a Sort of Parliamentary Art, that has been practised by all Parties, to make Motions in Parliament, which they know it is not possible for the opposite Party to comply with, in order from thence to raise a groundless Clamour without Doors, that those who refuse to comply with such Motions, are not sincere in what they profess.

I have already made one Profession; I began, my Lords, with professing, That I shall always be ready to agree to this House's enquiring into any Part of the Conduct of past Measures, when a proper Opportunity offers for that Purpose. Whether or no I am in this believed to be sincere, is what I do not know; but I am myself conscious that I am, and therefore I shall, without Scruple, to this add another Profession or Declaration, which is, that I shall always be ready to approve of our exerting our Birthright, in giving our most sincere Advice to the Crown, with regard to future Measures, provided it be done in a decent Manner, and upon a proper Occasion. From a great Authority we have learned, That in a Multitude of Counsellors there is Safety; but it is equally true, that in a Multitude of Counsellors there is no Secrecy: This may shew us, upon what Occasion it is proper for us to offer our Advice to the Crown. In Affairs of a public Nature, where all the Circumstances may be communicated to us, without endangering the public Safety, and when the Affairs are of great Importance to the Nation or the Crown, it is very proper for us to take them into our Consideration, and to offer our best Advice to the Crown: But in all Affairs of a secret Nature, where many Circumstances are such, that they cannot be discovered to a numerous Assembly, without endangering the public Safety, it is not proper for us to offer our Advice, because we cannot be fully informed: At least we ought not, unless called

Anno 14. Geo. II.
1740.

upon by our Sovereign to do so, and then, if we do, it can only be upon public and general Appearances ; therefore, even upon such Occasions, when we offer any Advice it ought to be with great Deference to our Sovereign's better Information. For this Reason, the Wisdom of our Constitution has entrusted the Care and Conduct of Peace and War solely to the Crown, because nothing relating to any Treaty of Peace ought to be published, till the Treaty be finally concluded, and every thing relating to War ought to be resolved on and conducted with the greatest Secrecy.

I shall grant, my Lords, that the present Occasion is extremely important : I shall grant, that a very wrong Step in our Conduct may be fatal to the Liberties of *Europe*, as well as our own ; but I do not see how your Lordships can prevent it. The Importance of the present Occasion relates entirely to what the Wisdom of our Constitution has entrusted solely to the Crown : It relates entirely to the conducting the War we are now engaged in, and the conducting such Negotiations, as may be necessary for preventing, or enabling us to carry on another. Can you, in either of these Cases, with any Propriety, offer your Advice ? You cannot pretend to offer your Advice, as to the Conduct of the War we are now engaged in, without having every Circumstance relating to it laid before you ; and this may occasion, instead of preventing, your Ruin : You cannot pretend to offer your Advice, as to the Conduct of those Negotiations that may be necessary for preventing, or for enabling you to carry on another War, without having the present Circumstances of *Asia*, as well as *Europe*, fully laid before you, with all the secret Intelligence our Government may be supposed to have, relating thereto ; and this would not, I am sure, be a proper Method to render any of your Negotiations successful. Therefore, I hope the noble Lords, who seem to be so fond of our offering our Advice upon this Occasion, will excuse me, if I think they are desiring us to make a very wrong Step, for fear our Ministers should make one ; and this I should be against, had I a much worse Opinion of our Ministers than I have.

In short, my Lords, though I have a very great Opinion of the Wisdom of those, who at present happen to be the constituent Members of this House, yet I am for trusting more to the Wisdom of our Constitution, than to theirs. Our Ministers will for their own Safety take the best Methods they can think of, both for conducting the War, and for conducting our Negotiations ; and if their own Wisdom should fail them, I hope Providence will direct them to take the most proper Methods for bringing the War

War to a happy and speedy Conclusion, and for preserv- Anno 14. Geo II.
ing and establishing the Liberties of *Europe*. 1740.

Earl of *Chesterfield*.

My Lords,

Tho' Charity obliges us to believe, that all Men are sin- Earl of *Chester-*
cere, till the contrary evidently appears, and tho' Decency *field*.
often obliges us to avoid telling them they are not so; yet
one cannot help a Suspicion arising in one's Breast, when
we find Lords professing their Readiness to join in an Enquiry,
or in exerting our Birthright of being the great Counsellors
of the Crown, and yet upon all Occasions opposing it, and
in Support of their Opposition offering such Arguments, as,
if they were admitted, would render it impossible for this
House ever to enquire into the Conduct of past Measures, or
to offer any Advice in relation to future. The noble Lord
says, we ought never to offer our Advice in Affairs relating
to Peace or War, that is to say, in any foreign Affairs what-
soever, unless called upon by the King to do so. My Lords,
I know nothing else we can have Occasion to offer our Ad-
vice in, unless it be, whether the King shall go to the
Play or the Opera, whether he shall shew Mercy to a
Thief, or order him to be hanged, or something of equal
Importance; for in all domestic Affairs of any great Im-
portance, our King, thank God! is limited by the Laws,
and ought not to transgress them, even tho' this House
should advise him to do so. And as to our being called
upon, we know from Experience, that tho' this House be
the hereditary great Council of the Crown, yet our Advice
is very seldom asked in a serious Manner. Kings, my Lords,
are generally for consulting with such as are of their own
chusing, and these are often such as have no Dignity, Pri-
vilege or Right by their Birth. We know, the greatest
Empire that ever was on Earth, was once governed by the
sole Advice of a freed Slave; and one of the greatest Em-
pires now in being is generally governed by the Advice of a
Cabinet Council of Eunuchs, and such as they shall chuse
for their Privy Council; therefore, if we never offer our
Advice, but when it is seriously asked by the Crown, I am
afraid we shall very seldom exert that Privilege, which is
our Birthright.

How this House has of late Years come to be so much
suspected of blabbing, I do not know; but it is a very new
Doctrine, to say, that nothing can be communicated to
this House, without making it public. The very first In-
stance of our being refused any Paper we thought necessary
for our Information, for fear it should be thereby made
public, was in the Year 1721: Since that Time, indeed,

1740.

X x x 2

it

Anno 14. Geo. II. 1740. it has been commonly and frequently practised; and yet, whatever Secrets our Ministers may have had since that Time, I do not think the Nation had ever fewer in any equal Period of Time. This new Doctrine therefore is not of above twenty Years standing; and as I disapprove of many of the new political Doctrines started in that Period, so I likewise disapprove of this. I do not think it can be approved of by any Lord who considers, that we can, whenever we please, shut every Stranger out of the House; We may even shut out our Clerks, or we may name a secret Committee of a very few Members. This, I say, we can do; but we have no Occasion to do so, till his Majesty tells us that the Papers he is to lay before us require it.

I must therefore lay it down as a Maxim, That we not only may, but that we sometimes ought to offer our Advice in Affairs of Peace and War, or in Affairs of the most secret Nature; and that, in order thereto, we may and ought to call for all Papers that are necessary for our Information. I say, my Lords, we not only may, but sometimes ought to offer our Advice; and our Duty in this Respect is to be determined by the Notion we have of the Minister's Conduct, and by the general Appearance of Things. It is observed, that every Author has a particular Style or Spirit in Writing; so, I believe, every Administration, or every Minister has a particular Style or Spirit in his Conduct: If we judge of the Style or Spirit of our present Minister's Conduct from what is past, which is the only Way we can judge, we must conclude, it is a blundering Style, it is an evil Spirit. Can we expect, that he who gave Admiral *Hester* Orders to persuade the Enemy's Ships to surrender, and to lie with his Squadron, till it rotted, before a Sea Port which Mr. *Vernon* has taken with a fourth Part of the Force; I say, can we expect, that he will give proper Orders to any Admiral? Can we expect, that he who in 1727 allowed *Spain* to carry on a War for two Years against us, without so much as attempting to give them one Blow, will carry on the present War with Vigour? Can we expect, that he who conducted our tedious Negotiations with *Spain* to the late most honourable Convention, will conduct any Negotiation to a happy and honourable Conclusion?

The noble Lord told us, that we have no Occasion to enquire into the Conduct of an Expedition, when it has met with all the Success that could be expected: I say the same of our foreign Affairs in general. When the Sky all around appears to be serene, when no Cloud seems to be hanging over us, we have no Occasion to interpose by our Enquiry and Advice; but when the Sky is overcast, when Clouds appear

appear ready to overwhelm us in a Deluge, it is then the Duty of this House to interpose, we ought then to enquire into the Conduct of past Measures, in order to give his Majesty our Advice about future.

1740.

Thus, my Lords, if we consider the past Conduct of our Minister, if we consider the present Appearance of Things, we must conclude, that at this Time it is our Duty to interpose with our Advice, and for that Purpose to make a thorough Enquiry into past Measures, and into the present State of our Affairs. Shall we trust the Management of a War, which ought to be prosecuted in the most vigorous Manner, to the Advice of a Minister who, from the whole Tenor of his Conduct, appears to be pusillanimous and irresolute? In the dangerous State in which the Affairs of Europe are at present involved, shall we trust the extricating of them to the Advice of the very Man who, for what we know, nay in all Appearance, has been the chief Cause of their being so involved?

Having thus, my Lords, shewn, that we not only may, but sometimes ought to offer our Advice to the Crown, even with respect to foreign Affairs, or the Affairs of Peace and War, and as a thorough Enquiry is necessary for enabling us to give proper Advice, therefore it is evident, not only that we may at any Time, but that we sometimes ought to enquire into the Conduct of such Affairs. But suppose we were not upon this Occasion to offer any Advice to the Crown, yet a general Enquiry into the Conduct of past Measures may be necessary, in order to punish or remove a Minister, who, we think, has given weak or wicked Advice to our Sovereign. Upon this Subject, the noble Lord who spoke last seemed to admit, that we may enquire into the Conduct even of Affairs relating to Peace and War; but then says he, you must not make a general Enquiry into the Conduct of a War till it be concluded, nor into the Conduct of any particular Expedition, if there be any Hopes of its being resumed, which, he says, is the true Meaning of the Maxim, *quæ pendente Bello* no Enquiry is to be made into the Management of a War. I have already shewn, that the Foundation of this Maxim is false, because an Affair may be enquired into by this House, without the least Danger of discovering to the Enemy any Secrets relating to it. But I must beg Leave to examine this Maxim, as the noble Lord has explained it, a little farther.

Your Lordships must allow, that it is our Duty in this House to prevent a Mischief when apprehended, as well as to punish the Authors when it has been brought upon us: It is our Duty to prevent the Mismanagement of a War, as well

Anno 14. Geo. II.

1740.

well as to punish those who have mismanaged it. If Incendiaries were setting Fire to a House, it would be very ridiculous in the Proprietor to sit still, and allow them to do so, in Hopes of being able to apprehend and punish them after they have burnt his House down about his Ears. Would not this be the very Case, if it were to be admitted as a Maxim, that for Fear of discovering the Secrets of our Government to the Enemy, this House must never enquire into the Conduct of a War till it is concluded, that is to say, till by Misconduct and bad Success, we are obliged to submit to a dishonourable Peace? Suppose the Persons chiefly employed in conducting the War were Traitors: Suppose they themselves discovered all the Secrets of our Government to the Enemy; would it not be ridiculous in this House, to suspend our Enquiry for Fear of discovering Secrets, we had good Reason to believe to be already discovered?

The noble Lord was sensible of these ridiculous Consequences from his Maxim, and therefore he thought of an Expedient: He told us, we might enquire into some particular Expedition that had miscarried, and from thence find Means to remove those that had been guilty of Misconduct: But his Expedient will, upon Examination, be found, like all our modern Expedients, good for nothing. Suppose the Misconduct is in not prosecuting the War with Vigour: Suppose no one Expedition has ever been undertaken, which is the present Case, how will you remove the Guilty by enquiring into the Conduct of some particular Expedition? Suppose the Miscarriage of an Expedition was not owing to those employed in carrying it on, but to the Treachery of those that contrived and advised it, how will you discover or remove the Guilty by enquiring into the Conduct of that particular Expedition? My Lords, the Expedient is equally absurd with the Maxim. By an Enquiry into the Conduct of any particular Expedition, the Misconduct of Under-Agents and Officers may be detected and punished, which is not the Business of this House; but the Misbehaviour or Treachery of chief Ministers, who are the only proper Objects of our Resentment, can never be come at, or they thereby removed from having any Thing farther to do in conducting the War. This can only be done by a general Enquiry, which therefore ought to be set on Foot, or some Steps made towards it, as soon as there arises the least Suspicion of any Misconduct.

This, my Lords, is the present Case. There is a Suspicion that Admiral *Vernon* had no proper Orders. I think it is evident, either that he had no proper Orders, or that he
was

was not provided with a proper Force; and therefore, I Anno 14. Geo. II. think, that in one or other of these Cases a parliamentary Censure must ensue. But before we can proceed, we must have a parliamentary Knowledge, which of these Cases we are to apply it to. If he had proper Orders, our Censure must be applied to his not being provided with a proper Force. If he had no proper Orders: If he had, as I suspect, no Orders, but only a general Order for Reprizals, and to protect our own Trade in that Part of the World, we can pass no Censure upon his not being provided with a proper Force, because he had sufficient for that Purpose. But then, I think, we ought to pass a Censure upon his being sent out with such puny Orders, against an Enemy that merited our highest Resentment.

From hence your Lordships must see, how necessary it is to have his Orders and Instructions laid before us, because without them we can have no parliamentary Knowledge how to apply our Censure, and consequently can pass no Censure, tho' every one of your Lordships were convinced that we ought. If Mr. *Vernon's* Orders are all right, and such as they ought to be, I shall most heartily condole with our Ministers in case your Lordships should put a Negative upon this Motion. But if your Lordships do put a Negative upon it, and I find the Friends of our Minister concurring in that Negative, I shall hugely suspect, all is not right; for if I were to purchase an Estate, and the Seller should tell me, he had a very good Title, but for certain Reasons could not shew it me, I am sure, I should not believe a Word he said, and much less pay him the Purchase-Money.

The noble Lord said, he could not agree to this Motion, because, from the Arguments made use of in its Favour, it appeared we were to address for nothing: I shall grant, that if Mr. *Vernon* had no Orders to attack *Porto Bello* or *Chagra*, his Majesty can lay nothing before us in Pursuance of this Address; but it is this very Nothing we Address for. If his Majesty returns for Answer, that no Part of Mr. *Vernon's* Instructions relates to any Expedition already executed, we shall then have a Parliamentary Knowledge, that he had no Orders for attacking *Porto Bello* or *Chagra*; and if he had not, I will averr, he had no proper Orders; therefore this Address may have a very good Effect for the public Service, tho' his Majesty should lay nothing before us in Pursuance of it.

The Fortresses of *Porto Bello* and *Chagra*, my Lords, lay so open to our Attacks, and it was so necessary for us to possess or demolish them, in order to open a Trade with the *Spanish* Settlements, that it was a most flagrant Piece of

Mis-

Anno 14. Geo. II. Misconduct, if Mr. *Vernon* had no Order to attack them : It

1740.

was, I think, a most flagrant Piece of Misconduct, not to send him out with a proper Force for taking and holding them, at least during the War. But this, we are told, would have brought the *French* against us; who have taken the Alarm upon hearing only, that we were preparing to send a Land-Force to the *West-Indies*, and have therefore sent their Squadrons thither, to prevent our Designs: If they have sent their Squadrons thither with this Design, they can do no more, and as these Squadrons will not, I believe, be able to prevent our Designs, if vigorously executed, I hope we shall proceed. But I do not believe, the *French* intended to attack us, or to join openly with the *Spaniards* against us; I believe, they sent their Squadrons thither, only to frighten us: They know from Experience this may be done. We have for these twenty Years generally begun with a Sort of Bullying, that is, with putting ourselves to the Expence of fitting out our Squadrons, and augmenting our Armies; but when we found that would not do, we have always grown as tame as Chickens, and have allowed ourselves to be bullied out of, and into, every Thing our Enemies pleased to insist on.

No Menaces from *France* can, therefore, be an Excuse; and as I suspect, that such Menaces were a Reason with our Minister, for not furnishing Mr. *Vernon* with proper Orders, I am the more curious to see them; but the noble Lord who spoke last, has furnished me with a new Argument, and such a one as I neither did, nor could before think of, for having these Orders laid before this House. He says, he never saw them: This my Lords, is very surprizing: As the noble Lord has said so, it must be true; and as he is not only one of his Majesty's Privy Council, but also, I believe, one of his Cabinet Council, and without Derogation I may say, as able a Statesman as any Lord in either, it is to me a Proof, that Mr. *Vernon's* Instructions were never under the Consideration of his Majesty's Privy or Cabinet Council, and therefore, I think, they ought now to be taken into the Consideration of this House, which is his Majesty's great Council: Nay, we ought to consider this very Point, why they were not laid before his Majesty's Cabinet Council. The noble Lord said, that in the Multitude of Counsellors there is no Secrecy. It seems, there is some one of great Influence about his Majesty, who is of the same Opinion, and therefore he took Care, that no one should see these Instructions but himself. This convinces me, they were not right, for if they had, I can see no Reason for so much Secrecy; and therefore, I think, we ought to address for them, that they may be altered or amended, for I doubt if this can be done in any other of his Majesty's Councils. If

If there are no Secrets in these Instructions, my Lords, but those of the Nation, no Harm could ensue from having the Whole laid before us, because if they ought to be kept very secret, we could treat them accordingly. It is easy to make Suppositions about what may be in them, but it is as easy to make Suppositions of what may not be in them : I could make Suppositions of this Kind, which, from the Stile and Spirit of our Minister's Conduct, are more probable than those the noble Lord has been pleased to make ; and his Lordship has owned his being in the same Case with me : Neither of us can assert. If then no Harm could ensue, at least to the Nation, from having the Whole laid before us, surely no Danger is to be apprehended from having laid before us the Nothing, or the Something, now proposed to be addressed for. But, my Lords, according to the modern Way of arguing upon all Occasions, when Papers are proposed to be addressed for, and with Regret I must confess, according to the late Behaviour of this House, we never can enquire into the Conduct of a Minister, till after his being dismissed the Service of the Crown : When he has lost that Favour, upon which his Influence depends, and is given up by the Crown to be buffeted by the Parliament, we may then, and not till then, have such Papers laid before us, as are necessary for enquiring into his Conduct. This, I say, seems to be the Result of those Arguments that have for some Time prevailed in this House ; but I hope it will never become an established Maxim, for if it should, the Parliament will then be made use of, not to buffet those that deserve it, but to buffet every Man that happens to be so unfortunate, as to fall under the Resentment of the chief Favourite of the Crown for the Time being ; which, in my Opinion, would be a most terrible State of Things ; and as our agreeing to this Motion will be one Step towards preventing it, therefore I shall most heartily concur with my noble Friend in the Motion he has made you.

Lord Hervey.

My Lords,

In this Debate, as well as a great many others of the same Nature, I find the Opinion of the Populace without Doors is very much insisted on, as if this House were obliged to enquire, and to censure, as often as the giddy Multitude takes it into their Heads, that the Administration have been deficient in their Duty, or mistaken in their Politics. If this were the Case, no Minister could ever be easy, nor could any one Session pass over without an Enquiry and Censure : Every Session would produce a new Administration, and every Year would give the Populace the Diversion of seeing a Sacrifice.

Anno 14. Geo. III.

1740.



made of some of the Ministers or Magistrates of the preceding, till at last, we should have neither Minister nor Magistrate in the Kingdom; for what Man of common Sense would accept of a Post in our Government, if he were certain, that, before the End of the Year, he would be sacrificed to the Resentment of those, whom by the Duty of his Office he must disoblige? We should at this Rate have nothing but Anarchy and Confusion amongst us; and therefore your Lordships must see, that the Opinions, the Suspensions, or the Clamours of the People without Doors, can be no Rule for your Conduct in this House. In all your Deliberations here, you are to consider what Justice requires, and what may be most for the public Good, without regard to what may be most agreeable to the People without Doors. If you do this, you may contemn what is said against you, and despise those Reproaches, which can have no Foundation, but the Ignorance or Malice of the Revilers.

For this Reason, my Lords, I shall give myself very little Trouble about what may be thought of this Question without Doors, and as little shall I give myself any Trouble about enquiring, whether it be intended as a previous Step towards our giving his Majesty Advice with regard to future Measures, or towards our enquiring into the Conduct of past Measures; because, whatever may be thought of it without Doors, whatever may be intended by it within Doors, I think our agreeing to it would be inconsistent with the public Good. For Proof of this I have already, in this Debate, heard many strong Arguments advanc'd, none of which have as yet been answered: I think them unanswerable. That the laying of fifth Papers before us would discover the Secrets of our Government to our Enemies; nay, that it might probably make Enemies of those, who are now our Friends, is, I think, evident to a Demonstration. I know, my Lords, it is not very complaisant to say, that nothing can be kept secret that is once laid before this Assembly; but I would not flatter even this Assembly at the Expence of my Country; and as I shall always chuse rather to be sincere than complaisant, I must join with other noble Lords in saying, that no such Thing can, in my Opinion, be expected: Even the noble Lords who have spoke in Favour of the Motion, seem to join in this Opinion; and therefore have told us, that in case his Majesty, in his Answer to our Address, should say, that those Papers contain Secrets which ought not to be discovered, we may then appoint a secret Committee for inspecting the Papers, and for reporting such Parts of them, as may be safely communicated, with their Opinion upon the Whole, to the House.

This

This I know, my Lords, we may do; but upon such a Report how can we proceed? We must either put an implicit Faith in the Report of the Lords Committees, or we can proceed no farther. If upon such a Report we should proceed to offer any Advice to his Majesty, can any Lord concur in offering that Advice, without seeing all those Papers, and knowing all those Facts upon which it is founded? Without this Knowledge, can he determine whether the Advice be right or wrong? And will any of your Lordships allow your Name to be made use of for giving Weight to an Advice, which, for what you know, may be the worst that was ever given? Suppose, that upon such a Report we should proceed to Censure, would any Lord be so unjust, as to join in censuring a Minister's Conduct, without knowing any of the Facts upon which that Censure was founded? The Lords Committees might say something in their own Vindication; they might say, they had discovered in those Papers such Facts, as gave a sufficient Ground for Censure; but what could any other Lord of this House say? They could say nothing but this: The Lords Committees thought the Censure just, and therefore I believed it was so; which may be a Roman Catholic, but is not, I am certain, a Protestant Sort of Belief; and I am as certain that it would not Way redound to the Honour of the Lord who said so, or to the Character of this House in general.

Suppose again, my Lords, that upon such a Report we were to proceed to a Sentence of Justification or Approbation: Even this I should not chuse to agree to, without having very strictly examined into that Conduct, which I am then expressly to justify; but if the Majority of this House should place so much Faith in the Lords Committees, as to join in this Sentence of Justification, would this give any Satisfaction to the People without Doors, or would it any Way contribute to allay those Clamours, which are now said to be so general against the Conduct of the Administration? My Lords, the Ministers knew it would not, and therefore I am not at all surprized at their being against what must give your Lordships a great deal of Trouble, and can do them no Service. They are conscious, I believe, that the Clamours against them are without any real Foundation, and therefore they despise them: Such Clamours, they know, will subside of themselves, or will by the Course of Things be turned to the Confusion of those that raise them; and for this Reason, they do not desire your Lordships should give yourselves any Trouble about them. Should your Lordships upon an Enquiry be never so fully convinced of the Wisdom, as well as Uprightness of our Ministers, yet your

Anno 14. Geo. II.
1740.

Acquittal could no Way stop the Mouths of those that clamour without Reason, nor could it give any Satisfaction to the Nation; because that Acquittal would, probably, be founded on Facts, which the public Safety would not permit to be made public. Therefore, without communicating to the whole House, and consequently, I think, to the whole World, all the Papers that are laid before you, it is, in my Opinion, impossible for you to proceed, either to advise, censure, or justify; and as this, with regard to the Papers now moved for, would be absolutely inconsistent with the public Safety, I cannot agree to your presenting such an Address as is now proposed; because I shall never be for this House's desiring any Thing of their Sovereign, which, I think, he cannot grant without injuring the Honour of the Crown, or endangering the Safety of the Nation.

That this may be the Case, is evident, I think, from the very Nature of the Papers now proposed to be called for. If the noble Lord had been pleased to confine his Motion to the Orders given to Admiral *Vernon*, considering the many Motions of the same Kind we have of late Years had before this House, I should not have been much surprized at it; but to desire, that his Majesty should lay before this House likewise the Instructions given to that Admiral, is something I think very extraordinary; for tho' a noble Lord, who distinguishes well and properly in other Cases, has in this Debate confounded Orders and Instructions, yet there is certainly a very great Difference. The Orders given to our Admirals are always signed by the Lord High Admiral, or the Commissioners appointed to execute that high Office; but the Instructions, or some of them, may be such as are signed by his Majesty alone; from whence it is evident, that they may contain Secrets which are known to none but the King, and which he is in Honour obliged not to communicate to any, but those that are to make the proper Use of them. I know, my Lords, that Suppositions of any Kind may be made, but there are many Degrees in the Reasonableness or Probability of Suppositions, and when they are made, we are to judge whether they are reasonable or no. In the present Case, I shall for Example suppose, that his Majesty has a secret Correspondence with some of the Grandees or considerable Persons in *New Spain*, and that he is upon Honour engaged not to communicate the Secret to any, but the Admiral he sends into that Part of the World. This, I shall grant, is a mere Supposition; but it cannot be said to be absolutely unreasonable, if we consider how much the People of that Country are dissatisfied with their Government, and what

what a real Advantage it would be for them to be freed from Anno 14. Geo. II.
the Yoke of Spain. 1740.

Now, my Lords, if his Majesty has, or ever had such a secret Correspondence, he must have communicated it to Admiral *Vernon* by means of an Instruction signed by himself alone; how inconsistent then would it be with the Honour of the Crown, and the Interest of the Nation, especially with regard to our Success in the present War, to have such an Instruction laid before this Assembly? The Instruction may relate to a Design already executed, and yet the Persons that carried on this Correspondence may still be in the Power of the Enemy: Their being apprehended and executed would be the certain and immediate Consequence of a Discovery; and after such a Discovery, could this Nation ever expect to have any Correspondence with, or any Intelligence from an Enemy's Country?

Such Considerations as these, my Lords, must shew us, that, let the Consequence be what it will, we can never desire all Papers to be laid before us, that relate to any foreign Affair then in Agitation, and yet this needs not hinder us from giving a general Advice to his Majesty, when we think it necessary; nor can it hinder us from censuring the Conduct of a Minister, if from Circumstances publicly known, he should appear to deserve it, or if by Chance any Facts should come to Light, that might afford Reason for that Censure. Last Session we joined with the other House in giving a general Advice to his Majesty relating to future Measures, without making a particular Enquiry into any of those that were past: I do not then, I do not yet indeed think it was necessary for us to offer any such Advice; but I concurred with other Lords in agreeing to the Request of the Commons, because I thought it was a good Advice, and I hope our Success in the War shall be such, as may enable his Majesty to follow that Advice. In the same Manner we may, upon any other Occasion, make use of our Privilege of being the hereditary great Council of the Crown, when, from the Circumstances that are publicly known, we can determine what Advice we ought to give; but in order thereto, we must not pretend to dive into the Secrets of Government, because it is inconsistent with the Safety of the Public, to lay them before such a numerous Assembly.

This, my Lords, I take to be the right Doctrine with regard to Advice; and with regard to Censure, if from the general State of Things, or from Circumstances publicly known, the Conduct of a Minister should appear to be wrong, your Lordships could certainly both censure and punish him, without any particular Enquiry into the whole
Tenor

Anno 14. Geo. II.

1740.



some Time after it begins to be disapproved by a Majority of the People, or if a Magistrate or Minister continues in Office for some Time after he begins to be generally hated or despised, that Government is not a free Government, that People have no Pretence to call themselves a free People. For this Reason, I am surprized to hear it said, that our Ministers despise the Clamours of the People, or that they do not desire your Lordships Assistance for allaying those Clamours: My Lords, if they despise those Clamours, if they do not desire to take the most proper and the most speedy Method for allaying them, which is by an impartial Parliamentary Enquiry, I will affirm they have, or at least they think they have, found out another Method of governing, another Method of preserving their Power, than that which is the only Method in a free Country, I mean the Esteem and Affections of the Generality of the People; and if they have any such Thoughts, I hope they will soon find themselves disappointed.

A general Clamour, my Lords, must be a terrible Thing to any Minister: In absolute Governments it at last produces Mobs and Insurrections: In free Governments it will always produce a legal Enquiry into his Conduct, and often (for such a Clamour is seldom raised without just Ground) a legal Condemnation. In case of any Clamour, tho' far from being general, if a Minister be conscious of his own Innocence, he will desire, he will promote an Enquiry, he will insist upon its being made with the utmost Strictness, and by those who are least suspected of being partial in his Favour. But when Ministers are for concealing their Actions, and keeping them all in utter Darkness, I must always suppose their Actions are such, as would appear black and horrid in the Light.

That there is at present a most general Clamour against the late Conduct of our public Affairs, no Man can be ignorant, whatever he may pretend. The People clamoured against our Conduct in Peace, they now clamour against our Conduct in War; and in both, I'm afraid, their Clamours are not without Reason. This Clamour, my Lords, is not among those that are disaffected to his Majesty, or to the present Establishment: Upon the contrary, instead of clamouring they smile, they rejoice in the general Uneasiness they see among the People. The Clamour is among those who are the best Friends to our present happy Establishment, and their Uneasiness is increased by their having nothing to answer to the Sarcasms of those who are its professed Enemies, but with *Phutton* to say,

— Pudet hæc opprobria nobis

Et dici potuisse, & non potuisse refelli.

As your Lordships sit here by an hereditary Right, you may not perhaps think yourselves so much obliged to take Notice of the Clamours and Complaints of the People without Doors, and therefore may wave giving yourselves the Trouble to enquire into the Conduct of our public Affairs, either for the Justification or Condemnation of our Ministers; but if the other House does not, I must suppose, that a Majority of that House have no Regard, either for the Esteem or Affections of those they represent, and consequently, that, upon a new Election, they depend upon being rechosen by other Methods than are consistent with our Constitution. From hence one may soon determine, whether the Constitution of our Government be as yet entire; for if this Session should pass over without an Enquiry's being set on Foot in the other House, and the same Members should be generally rechosen, as have now Seats in that House, I shall conclude, that our Constitution is at an End, and that a Majority of the Members of the other House are not, as they should be, the Representatives of the People, but the Creatures and Tools of the Court.

Anno 14. Geo. II.
1740.

This, I say, my Lords, I shall conclude; and this, I believe, will be the Conclusion that will, from these Circumstances, be drawn by most Men in the Kingdom, which will of Course very much increase the Discontents and the Murmurs of the People; therefore, if our Ministers are sensible, that the present Clamours are without any Foundation, it is very much their Interest to have their Conduct justified by an Enquiry during this Session of Parliament: Nay, suppose they have been guilty of some Failings, it is their Interest to have an Enquiry now set on Foot; because they have many more Friends in the present House of Commons, than they can expect in the next, considering the Humour in which the People are at present, unless they are resolved to add a most heinous Crime to their former Failings, by making Use of some corrupt or illegal Means for influencing the ensuing Elections.

Thus, my Lords, it is evident, that if our Ministers are innocent, if their Conduct has been wise and upright, it is not only their Duty, but their Interest to have it strictly enquired into, in order to have it justified in the Eyes of the People, and to make their Continuance in the Administration consistent with the very Essence of a free Government; and if they are guilty, I am sure it is our Duty to enquire into their Conduct, in order to remove them from the Administration, and to prevent the Nation's suffering any longer by their Misconduct. In the former Case, they are obliged, for their own Sake, to lay every Paper before us, that is necessary for giving us a full View of their Conduct; and in the

Anno 14. Geo. II. 1740. latter, we should, for the Sake of our Country, oblige them to do so. Even in the Courts below, Parties are often



ordered to bring into Court all Papers relating to the Suit depending; and if any one refuses, he will be committed for a Contempt. Now then can any one doubt this House's having a Power to call for any Paper we think necessary for clearing up a Matter depending before us? But we are told we must not do so, because we should thereby discover the Secrets of our Government to our Enemies, which is inconsistent with the Safety and Welfare of our Country. This, my Lords, is in other Terms saying, that it is inconsistent with the public Good, for this House ever to enquire or advise; for we can do neither, without having before us those Materials that are necessary for our Information; and if it be inconsistent with the public Good to lay such Materials before us, it must be inconsistent with the public Good for this House ever to enquire into past Measures, or to give our Advice about future.

But every one knows, and the noble Lord who spoke last seemed to admit, that the Secrets of the Government may be as safely committed to a Committee of this House, as to any Committee of his Majesty's Privy Council, or even as to one sole Counsellor. His Lordship, however, started a new Objection, by saying, that we could not proceed either to advise, censure, or justify, upon the Report of that Committee; nor would the Nation be satisfied with any justification founded upon such a Report, because the Lords Committees could report nothing but their Opinion, and their Opinion could not be a Foundation upon which the other Lords of this House, who had seen none of the Papers, could proceed to advise, censure or justify, or if we proceeded to justify, the Nation would not join with us, in placing an implicit Faith in the Opinion of the Lords Committees.

This, I confess, my Lords, is something new, but it seems to be founded upon a most obvious Mistake; for surely we are not to suppose, that if all the Papers relating to our late public Transactions were laid before a Committee of this House, that Committee would find no Facts worth reporting, but those that are of a secret Nature, and ought not therefore to be discovered. The Committee would certainly report many Facts; they would prove those Facts by whole Papers, or by Extracts from such as could not be wholly communicated; and they would give us their Opinion upon the Whole. From thence every Lord of this House, and if the Report were published, every Man without Doors might judge for himself, and from his own Knowledge: We might advise, we might censure, we might justify, and the Nation would

would join with us in an Opinion they saw supported by such Anno 14. Geo. II.
 incontestable Vouchers. But what are we now going to do? 1740.
 We are going to resolve, if this Question passes in the Negative, that the Papers moved for contain most important Secrets, only because the Friends of our Minister say they do. This is really putting a more implicit Faith in our Minister, than the *Roman Catholics* put in the *Pope*; for, I think his Holiness is himself obliged to pronounce his infallible Decrees. Will the Nation join with us in this? Will they not join in saying, that our Faith proceeds from something else than Conviction?

But suppose the Lords Committees should report nothing but their Opinion, I shall not say, that upon their Opinion the House could proceed to condemn a Minister; but even upon their Opinion we might proceed to advise his Majesty, with regard to future Measures; we might proceed to justify the Conduct of our Ministers; we might even proceed to advise his Majesty to remove some of them from his Councils. In this last, I am persuaded the far greatest Part of the Nation would join with us; and if the Opinion of the Committee went in Favour of our late Conduct, I believe very few of those, who oppose this Motion, would refuse their Assent to that Opinion: Nay, if we made a right Choice of Lords Committees, I believe their Opinion would have great Weight with most People in the Nation. I could name several Lords now in this House, whose Characters are so well established, that if, after a strict Enquiry and full Information, they should report, that they could find no Fault with any Part of our late Conduct, but that they could not give their Reasons, because they depended upon Facts which must not be discovered: I say, such a Report from them would, I believe, gain Credit with the greatest Part of the Nation, and would very much contribute towards allaying those Clamours that are now so loud and general.

For confirming what I say, I must observe, my Lords, that one of the chief Complaints against the Conduct of the War, is, that Admiral *Vernon* either had not proper Orders, or that he was not provided with a proper Force for carrying those Orders into Execution. That he had not a proper Force for attacking the *Spaniards* at Land, is publicly known, and must be admitted; but in Excuse for this it is said, we were in such Danger at home, that we durst not venture to send any of our regular Troops out of the Kingdom at the Beginning of the War. Here then, are two Facts in Question, whether Admiral *Vernon* had proper Orders, and whether we were in any such Danger; and, I believe, nine Tenths of the Kingdom are upon the negative Side of the

Anno 14. Geo. II.

1740.



Question with regard to both. Now, if we should appoint a proper Committee, and that Committee, after having seen all they could desire to see, should report barely their Opinion, that Admiral *Vernon* was furnished with proper Orders, and that the Government had certain Advice of such a dangerous Insurrection intended, that it would have been very imprudent to have sent out any of our regular Troops, I am convinced, that all the Friends to our present happy Establishment would give Credit to this Report, and would from thence cease their Complaints against this Part of our Conduct.

I have said, my Lords, a dangerous Insurrection intended; because, unless our Government had certain Advice of such an Intention, they can plead no Excuse for not sending a sufficient Land-Force along with, or soon after Admiral *Vernon*. Considering the weak Condition of *Spain*, and the bad Condition the naval Force of *France* was in at the Beginning of this War, we could not have been in any Danger from a foreign Invasion, even tho' we had sent every Regiment of Foot we had in the Kingdom to *America*: Whereas, if we had sent but one third Part of them thither at the Beginning of the War, we might have forced *Spain* to a *Carte blanche* before this Time. Whether our Ministers had certain Advice of any such Insurrection intended, I shall not pretend to determine; but if they had not, I will say they ought not to have allowed themselves to be frightened from a vigorous Prosecution of the War in the most proper Place, by any Threatenings of an Invasion, either from *France* or *Spain*; and I think it is highly probable, they had no Advice of any such Insurrection intended; for if they had been informed of any such Design, we should certainly before now have had the *Habeas Corpus* Act suspended, and many Persons of Note taken into Custody. Therefore, if our Ministers, or the Friends of our Ministers, should oppose an Enquiry into their Conduct, or, which is the same Thing, our having those Materials before us that are necessary for an Enquiry, I shall be apt to suppose, the Opposition proceeds from a Consciousness of their Guilt, and not from the Danger of discovering the Secrets of Government, by laying any Papers before this Assembly.

In the Case mentioned by the noble Lord, of his Majesty's having a secret Correspondence with any of the Subjects of *Spain*, which he is in Honour obliged not to communicate to any, but those he employs to make the proper Use of the Intelligence thereby received, I shall grant it would not be right in us to desire, that such a Correspondence should be communicated to us; but this, my Lords, is

is no Argument against the present Motion ; because, if his Majesty should, in his Answer to our Address, acquaint us with any such Circumstance, it would be our Duty to thank his Majesty for his Care of the Public, and to desire, that such a Correspondence should not be laid before this Assembly.

Anno 1744. Geo. II.
1740.

From such Arguments as these, his Lordship concluded, that we never can address for having all Papers laid before us relating to any foreign Affair, whilst it is in Agitation ; that is to say, we never can enquire into any such Affair, whilst our Enquiry can be of any Service to the Nation ; for what signifies an Enquiry into an Affair after it is past Remedy, or into the Conduct of a Minister after he is laid in his Grave ? But this his Lordship said could not hinder us giving a general Advice to the Crown, or censuring a Minister's Conduct, from Circumstances publicly known, or from Facts that have accidentally come to Light. My Lords, as to Advice, I am sure it can never be of any Service to the Crown, if it can never be founded upon any thing but Circumstances publicly known. But as to Censure, I am afraid his Lordship's Argument will, upon the present Occasion, turn a very different Way from what he intended. From the general State of Things, from the Circumstances that are publicly known, our Minister's Conduct must be condemned : It is already censured by the whole Nation ; it is laughed at by the whole World : We do not, therefore, want an Enquiry, in order to fish out an Accusation against him ; for from public Appearances his Conduct accuses itself ; but it is from the Justice, the Lenity, and the Moderation of this House, that we desire an Enquiry, in order to fish out, if possible, an Excuse for his Conduct. We want to enquire into secret Circumstances, in order to see if those secret Circumstances can any way atone for public Appearances ; and if the Minister prevents this Enquiry, under any Pretence whatsoever, I shall suppose, that the private Circumstances of Affairs are as much against him, as those that are public, and consequently I shall be for our proceeding to censure, without any previous Enquiry.

I was really surprized to hear the noble Lord say, we have met with no extraordinary Misfortunes during the War. It would seem, as if his Lordship conversed with no Merchants ; or if he did, they were such as dealt more in *Change-Alley*, than upon the *Royal Exchange*. It was not possible for the *Spaniards* to attack our Dominions ; it was not possible for them to attack our Squadrons ; they could only attack our defenceless Merchant-Ships ; and in that they have had such surprizing Success, that it would seem as if they had a Licence to do so. How this Neglect of our Trade

Anno 14. Geo. II.

1740.

Trade can be accounted for from the private Circumstances of Affairs, I do not know; but I am sure, it is impossible to account for it from those Circumstances that are publicly known; and as little can we from such Circumstances account for our not sending a proper Land-Force to the *West-Indies* at the very Beginning of the War. Surely, it must be allowed, that if we had sent but one Third of the Troops we had then on Foot, to the *West-Indies* at the Beginning of the War, we might have done a great deal more Damage to the Enemy, and might have reaped much greater Advantages for ourselves, than we have done; and nothing, as I have said, can excuse our not having sent such a Body of Troops thither, as soon as we declared War, but our Government's having had private Advice of a dangerous Insurrection's being intended at home. Thus our Conduct of the War, both with regard to Offence and Defence, stands condemned by all public Appearances, and can be justified by nothing but private Circumstances, which we now want to enquire into; and as we cannot do this without having the Papers now moved for before us, therefore, as a Friend to our Ministers, if they are innocent, as a Friend to my Country, if they are guilty, I must be for agreeing to what my noble Friend has proposed.

Division upon
the Question.

The Question was then put, and passed in the Negative.
Contents 57 : Not Contents 35.

As soon as this Debate was over, Lord *Bathurst* stood up, and spoke in Substance as follows, *viz.*

Lord *Bathurst*.

My Lords,

Notwithstanding the bad Success of my former Motion, I shall venture to make you another, which, I hope, will not appear to be liable to the same Objection. I can at least say, that it does not appear so to me, tho', I confess, I may probably be mistaken; for with regard to my former Motion, I thought I had fully guarded against the Objection, which your Lordships have found sufficient for throwing it out. However, I shall lay before your Lordships the Motion I have thought of, and then you may determine, whether you will agree to it or no: It is, in short, this: 'To resolve, That an humble Address be presented to his Majesty, that he will be graciously pleased to give Directions, that there be laid before this House † Copies of all Letters written by Vice-Admiral *Vernon* to the Commissioners for executing the Office of Lord High Admiral of *Great Britain*, or their Secretary, and to his Majesty's principal ' Secre-

Moves for an
Address that Ad-
miral *Vernon*'s
Letters to the
Lords of the Ad-
miralty may be
laid before the
House.

† Feb. 10. a like Motion was made by Mr. *Sandys* in the House of Commons. See *Cband. Hist.* Anno 14. Geo. II. P. 60.

‘ Secretaries of State, from the Time of his sailing from ^{Anno 74. Geo. II.} ^{1740.} *England* in the Year 1739, to the 24th of *June* last; and
 ‘ also Copies of all Letters written by the said Commission-
 ‘ ers, or their Secretary, and the principal Secretaries of
 ‘ State, to the said Vice-Admiral, within the said Time.’

My Reason for making you this Motion, my Lords, is, because I have heard it confidently reported without doors, that Admiral *Vernon* has in his Letters frequently represented the weak Condition of the *Spanish* Forts and Settlements in *America*; and that if a few Land-Forces should be sent to him, before the Enemy could find an Opportunity to provide, fortify, and strengthen themselves in that Part of the World, it would probably be in his Power to make such important Conquests in *America*, as might soon oblige the Enemy to sue for Peace: Besides this, my Lords, I have likewise heard it confidently reported without doors, that the same Admiral has frequently complained, not only of the want of naval Stores, Ammunition, and Provisions, but also of the Badness of those he carried along with him, or that were afterwards sent to him; and that these Complaints were often and long made, before Care was taken to send him any proper Supply.

These Reports, my Lords, are certainly such as this House ought to enquire into: If they are well founded, I am sure, considering the great Army we had on Foot, and the large annual Supplies we have for many Years granted towards the Support and Repair of our Navy; I say, my Lords, considering these Things, I am sure somebody ought to be punished, if it should appear, that Admiral *Vernon* made any such Complaints or Representations: And if these Reports are without any Foundation, we ought to enquire into them, in order to justify his Majesty's Government in the Eyes of his People; for it is one of the greatest Advantages our Sovereign reaps from our happy Constitution, that his Government cannot be misrepresented to the People, if he allows our Constitution to take its proper Effect; because an impartial parliamentary Enquiry will always set the People right, and convict the Malicious of Falshood. We may therefore depend on it, that when any Reports are spread to the Prejudice of the Administration, no Minister will ever advise his Master to obstruct an impartial parliamentary Enquiry, if his Conduct be blameless; and if it be otherwise, it is the Duty of this House to set it in its true Light, before the Eyes of our Sovereign.

This, my Lords, is not the first Time the Government, as well as those employ'd by the Government, have suffer'd by groundless Reports. It was confidently and generally reported

Annos 4. Geo. II.
1740.

ported, and for many Years believed, that Sir *George Byng* attack'd and destroyed the *Spanish* Fleet in 1718, without any Instructions from hence, and without making the least Intimation of his Design to the Court of *Spain*. No Man doubted of our having a Right to attack that Fleet, because it was sent to attack one of our best Allies ; but every Man said, it was wrong in the Admiral to attack it without proper Orders for that Purpose ; and every Man said, it was wrong to give such Orders, without first requiring the Court of *Spain* to desist, and declaring to them, that we would attack them, if they proceeded in their Design. Thus, both the Government and Sir *George Byng* lay under a heavy Imputation of Guilt, till very lately that the Affair has been cleared up by publishing his Orders, and the Steps he took for giving Notice of them to the Court of *Spain* ; from whence it appears, that he had express Orders for what he did, that these Orders were duly intimated to the Court of *Spain*, and that in this whole Affair at least (whatever may be said of our preceding Negotiations for giving *Sicily* to the Emperor, without reserving the Right of Reversion, vested by the Treaty of *Utrecht* in the Crown of *Spain*) we did nothing but what was right, nothing but what was consistent with the nicest Punctilio of Honour, with regard to *Spain*, and nothing but what we were in Honour obliged to do, with regard to the Emperor. I wish the same Sort of Conduct had been pursued till this Time : If it had, neither the Affairs of this Nation, nor the Affairs of *Europe*, would have been in the melancholy Posture they are now in ; but as a new Planet soon after began to get the Ascendant in all our Councils, and to spread its malign Influence over the whole Scheme of our Politics, we then began to lay down different Maxims, and, to the Ruin of this Nation, to the Confusion of *Europe*, these Maxims have ever since been pursued.

This, my Lords, was the true Reason that prevailed with a Majority of this House to refuse calling for Sir *George Byng*'s Instructions in *December* 1721. A Part of this House, of which I glory in having been one, were for having those Instructions laid before us, in order either to justify his late Majesty's Government, or to punish those that had been guilty of what was then thought to have been a most rash, a most dishonourable, and most pernicious Step, either in the Admiral, or in those that gave him his Instructions : But by the Influence of our governing Planet, we had then laid down the Maxim so invariably pursued ever since, of suing for Peace instead of doing what was proper to command it, and of cultivating a Friendship with the House of *Bourbon*.

at the Expence, and even to the Destruction of the House of *Austria*. Anno 14. Geo. II.
1740.

In Pursuance of this Maxim, my Lords, we had, the Summer before, concluded a separate Peace with *Spain*, without taking the least Notice of our Ally the Emperor; and at the same time a defensive Alliance with *France* and *Spain*; which could be designed against none but the Emperor. But what was worst of all, by our Treaty of Peace with *Spain*, we had owned our having been in the wrong, by promising to restore all the Ships we had taken from them in the Year 1718; and therefore it was necessary for our new Minister, who, I must suppose, had advised our suing for this Peace, and agreeing to this Article, to continue the Nation in a Belief, that something wrong and dishonourable, with regard to *Spain*, had been done in the Year 1718, and that we had been led into that Measure by the Artifice of the Court of *Vienna*. If Sir *George Byng's* Instructions had been then laid before this House, the contrary would have appeared; and in that Case the whole Nation, as well as this House, must have condemned the two Treaties I have mentioned, which would have tumbled our new Minister headlong from his Seat, before he had had Time to fix himself in the Saddle. For this Reason he prevailed, by I do not know what Means, with a Majority of this House, to put a Negative upon that Motion, though no Negative had ever before been put upon any such Motion in this House, which, I must observe, is expressly taken notice of in a Protest entered upon your Journals at that Time; and as that Protest was signed by the Lords *Cowper* and *Trevor*, who must be allowed to have been good Judges of our Constitution, and expressly mentions the Journals to have been searched for that very Purpose, I must suppose, it was the very first Time that ever such a Question had been carried in the Negative.

These, my Lords, are the Reasons which have induced me to make you this second Motion, and I cannot think it is liable to the Objection that was made against the former. I am sure it cannot be said, that by this Motion any Secrets will be discovered, that are known only to his Majesty and Mr. *Vernon*. But if your Lordships should suppose, that some of these Letters, or some Parts of some of them, may relate to Designs yet remaining to be executed, and that it would be dangerous to lay them before this House, lest it should occasion a Discovery, you may add to this Motion the same Exception I added to my former; and in that Case, I think it impossible for the most fruitful Invention to find any reasonable Objection to it; therefore, I hope I

Anno 14. Geo. II. shall have better Luck upon this Occasion, than I had with regard to my last Motion.

1740.

Debate thereon.

Lord Chancellor.

Lord Chancellor.

My Lords,

I am sorry I differ so widely from the noble Lord, as I do with regard to both his Motions. The last I gave my Negative to, because I thought the Address thereby proposed, was such a one as his Majesty could not comply with; and I shall never be for this House's going with a Request of any Sort to the King, when it appears upon the very Face of it, to be such a one as his Majesty must necessarily refuse to grant. My Opinion of this second Motion is the very same; and I think 'it is hardly possible to shew any material Difference between the two Motions. If it would have been of dangerous Consequence to have had all Mr. Vernon's Instructions laid before us, which your Lordships were of Opinion it would, certainly it would be equally dangerous to have all his Letters laid before us; because the Letters from and to him, or at least many of them, must relate to his Instructions, and must contain several Explanations, or perhaps Alterations, and Additions to them: So that if it be of dangerous Consequence to have his Instructions laid before this Assembly, lest the Secrets of our Government should be thereby discovered to our Enemies, it must, for the same Reason, be equally dangerous to have his Letters laid before us; and consequently, every Lord who gave his Negative to the last Question, must, in my Opinion, give his Negative to this.

I hope, my Lords, it will not be questioned, that I am as much for vindicating his Majesty's Government against all malicious Aspersions, as any Lord in this House, or as any Man in the Kingdom; but I shall never be for vindicating his Majesty's Government by endangering his Majesty's Government; for, I think it is much better that the Conduct of the Administration should for a while labour under some groundless Calumnies, than that the Safety of the Nation should be brought into Danger, or the Success either of our Negotiations or Arms prevented, by endeavouring to remove such Calumnies. The noble Lord himself shewed, by the Example he brought, how groundlessly the Government may be aspersed by ignorant or malicious Men. There never was, I believe, a Measure more generally exclaimed against by the People of this Nation, there never was a Measure more maliciously aspersed and misrepresented by the Enemies of the present Establishment, than our attacking the *Spanish* Fleet in the Year 1718; and yet, we find, our Ministers thought proper to leave the Government exposed to these Misrepresentations,

utions, rather than justify it by laying Sir *George Byng's* Instructions before this Assembly. Their Motive for this could not proceed from what the noble Lord has been pleased to assign; because, though the famous *South-Sea* Scheme had occasioned some Changes, yet several of those very Lords continued then in the Administration, that had been in it, and had advised that Measure in the Year 1718; and we cannot suppose, that these Lords would have joined in refusing to call for Sir *George Byng's* Instructions, if there had been no other Motive for that Refusal, but that which the noble Lord has been pleased to assign. The true Motive certainly was, they thought it was inconsistent with the public Good, to have those Instructions published at that Time, and therefore they refused to address his Majesty for what they knew it was not proper he should comply with.

Now, my Lords, I am convinced, was the true Reason for a Negative's being put upon that Question; and if there was no Precedent for that Negative, I believe, it was because there was no Precedent for such a Motion. The Case relating to Sir *George Rook* and Sir *Cloudesly Shovel*, mentioned in the Protest upon that Occasion, was no Precedent for that Motion; because in that Case the Motion was only for the Orders given to these two Admirals, which, as a noble Lord has shewn in the former Debate, are very different from Instructions; the former being signed by the Commissioners of the Admiralty only, whereas the latter are signed by the King; and it often happens, that an Admiral's Orders may without Danger be made public, when his Instructions cannot. Therefore, I think, we cannot upon this Occasion follow a better Precedent than that in 1721; for it must be allowed, that the Case is much stronger now than it was at that Time. The House may with great Reason suppose, that it would now be more dangerous, and of much worse Consequence, to discover the Instructions given to Mr. *Vernon*, than it could have been at that Time, to discover the Instructions given to Admiral *Byng*; and if we suppose, it would be of bad Consequence to discover the Instructions given to Admiral *Vernon*, we must suppose it would be of equal bad Consequence to discover the Letters that relate to those Instructions, which most of the Letters to and from that Admiral must be supposed to do. Nor would the Exception proposed to be added by the noble Lord, any way mend the Matter; for this Exception, as in the former Case, would make the Letters and Paragraphs laid before you so incoherent and confused, that no Man could make any thing of them.

1740.

4 A 2

Thus

Anno 14. Geo. II.

1740.

Anno 14. Geo. II.
1740.



Thus your Lordships must see, that it would be very improper for us to agree to the noble Lord's Motion as it stands, or as he has proposed to amend it; but as I am for giving that noble Lord, and every Lord of this House, as much Satisfaction as possible, if he will agree to the adding of some few restraining Words, I believe his Motion may be safely complied with. He says, it has been reported without Doors, that Admiral *Vernon* has often desired Supplies of Ships, Men, naval Stores, and other Necessaries, and that the sending of any such has been neglected or long delayed, after he had in his Letters complained of the Want of them. This is, indeed, a heavy Charge against the Administration, and as the communicating to this House the Letters to and from him, relating to these Particulars, cannot, I think, be of any bad Consequence to the Public, therefore this Charge may, I think, be safely removed, and the Conduct of the Administration vindicated. For this Reason, I must beg Leave to propose the adding, by Way of Amendment to the noble Lord's Motion, these Words: "So far as such Letters relate to any Supplies of Ships, Men, Stores, Ammunition, Provisions, or other Necessaries." And if your Lordships agree to this Amendment, I shall then be for agreeing to the noble Lord's Motion, which, I hope, will give him some Satisfaction, tho' perhaps not all the Satisfaction he desires.

Moves for an Amendment.

Duke of *Argyle*.

My Lords,

Duke of *Argyle*.

I do not rise up to repeat any of the Arguments made use of in Favour of the former Motion, or to answer any of the Objections made to it; but as something new has been started in this Debate, I hope, your Lordships will indulge me in making a short Reply to what has been said by the learned and noble Lord who spoke last. Through the Whole of what he said upon this new Question, he seemed to look upon it as admitted, that nothing that required the least Secrecy could be safely communicated to this House. From hence your Lordships may see, how cautious you ought to be of doing any Thing that may tend toward establishing this as a Maxim of our Government; for if this should ever come to pass, you'll have less Confidence from your Sovereign, you'll be treated in a more contemptible Manner by his Minister, than the Writer of the *London Gazette*. An Affair of State may be communicated by Way of Hint to a *Gazetteer*, it may be known to all our News-Writers, but the august House of Peers will be thought unworthy of being trusted with the Secret. If you should ever allow yourselves to be treated in so contemptible a Manner

by

by any Minister, can you from thenceforth look for any Respect from the People? Can you be of any Service to your King by advising? Can you be of any Service to your Country by enquiring?

Anno. 14. Geo. II.
1740.

My Lords, the making use of this Argument upon any Occasion, is, in my Opinion, the highest Indignity that can be offered to this Assembly; and therefore I must say, I am sorry to see it received with Patience. I cannot pretend to any great Learning in your Journals; but, I am persuaded, many Examples may be found, where Papers of the most secret Nature, and of the highest Importance, have been communicated to this House, when called for; nay, I have good Reason to believe, that such Motions were always agreed to by the House, till the Year 1721; because I find among the Protests of that Year, a Protest entered against the Negative then put upon a Motion for laying before this House the Instructions given to a noble Lord I have in my Eye, as his Majesty's Minister or Plenipotentiary to the Crown of *Sweden*, or any other of the Northern Crowns; and that Negative is there said to be the first Instance to be found in our Journals, where Lords have moved for a Sight of Instructions of any Kind, and have not been supported by the House in that Motion.

The Year 1721, I must therefore, my Lords, look on, as the fatal Æra of this modern Maxim; which, I confess, has been as inviolably, as imprudently admitted by the Conduct of the House, ever since that Time. In the same Year a Negative was put upon a Motion for laying the new Treaty with *Spain* before this Assembly; and in the same Year a Negative was put upon the Motion for Sir *George Byng's* Instructions, as has been already mentioned: For this last Negative, the noble Lord who moved you this Question, has, in my Opinion, given you what was very probably the true Reason. I shall grant, that there were several Lords at that Time in the Service of the Crown, who had been in that Service, and some of them perhaps in the Administration, in the Year 1718; but we are not to suppose, that every Lord that is in the Service of the Crown, is likewise in the Administration of the Government; for a Lord may be in a very high Office under the Crown, and yet know nothing of what is doing in his Majesty's Councils: These very Instructions to Mr. *Vernon*, which are now said to contain Secrets of such high Importance, were made known, I believe, to very few of his Majesty's great Officers of State; at least I can answer for myself, that I never saw them; and yet I was at that Time Commander in Chief of his Majesty's Forces, and one of his Cabinet Council.

Ann 14. Geo. II. c. 11. But your Lordships must observe, that we have now two Cabinet Councils in this Kingdom; his Majesty has one, and the Minister has another; and I am afraid it often happens, that his Majesty's Cabinet Council knows little or nothing of what is doing, or intended to be done.

This, my Lords, was perhaps the Case in the Year 1721; and if it was, we are not to suppose, that every Lord then in any high Office under the Crown, was made acquainted with the true Reason for putting a Negative upon that Motion: They knew it was resolved on by the King's principal Favourite, that a Negative should be put upon the Motion; and as they thought it a Matter of no great Moment, they chose rather to be passive in the Affair, than to come to an open Breach with their Sovereign, which every faithful Subject will avoid as much as possible; because, by a little Compliance in Matters of small Moment, he may afterwards be able to rescue his Sovereign out of the Hands of evil Counsellors, or prevent his being led by them into more pernicious Measures. Whether any of those who were in the Administration in the Year 1718, concurred in this Negative in 1721, I do not remember; but if they did, it could not proceed from their believing, that the communicating of Sir George Byng's Instructions to this House would be of any dangerous Consequence to the Nation. These Instructions are now published, together with an authentic Account of that whole Affair; and I defy the most artful or the most consummate Politician in this House, or any other Assembly, to shew how it could have been of any bad Consequence to the Nation, to have published them in the Year 1721.

Their Publication at that Time, my Lords, might probably have been a most signal Benefit to the Nation; because it would have opened Peoples Eyes, and might have made both Houses of Parliament join in condemning that Treaty with Spain, which I look on as the sole Cause of all the Injuncts we have since met with from that insolent Nation; because our unaccountable Fondness for Peace at that Time, gave them an Opinion, that they might safely treat us in any Manner they pleased. If that Treaty had been condemned by both Houses of Parliament, I believe, it will be allowed, that the Minister who was the principal Adviser of it, would have been in great Danger; therefore we may reasonably suppose, that it was at that Time, as it has often been since, not the Danger the Nation might be exposed to, but the Danger the Minister might be exposed to, that was the Occasion of a Negative's being put on the Motion for having Sir George Byng's Instructions laid before this House; and

and if any of the old Ministers joined in that Negative, it *Annals. Geo. II.*
was because they hoped, by temporizing a little, to be able
to get their Sovereign out of that pernicious Train of Poli-
tics he had been led into by his new Minister. 1740

To excuse the Negative then put upon that Motion, and to get free of the Precedent in 1694, great Pains have been taken, in this and the former Debate, to make a Distinction between Orders and Instructions; and it has been said, that in 1694, the Motion was for Orders only. My Lords, I have not examined that Journal, and therefore from my own Knowledge cannot say, whether it was so or not; but the Distinction is, I think, unworthy of this House: It might perhaps pass well enough in the Courts below, where wrangling about Words is generally the chief Part of the Argument; but in this House, I hope, it will never be indulged. Whatever Difference there may be in the Forms of issuing or signing Orders and Instructions, they are in Effect the same: They both equally relate to the Expedition upon which the Admiral is sent, and both must be equally obeyed: If either House of Parliament were to enquire into the Conduct of a naval Expedition, and should address for the Orders given to the commanding Officer, I should look on it as a pettyfogging Sort of Advice, if any one were to address his Majesty, that in pursuance of that Address, he was to lay nothing but the Orders before Parliament, which are usually conceived in very general Terms, and refer to the Instructions for more particular Directions; and therefore no Man that is not of a wrangling Sort of Disposition, would suppose, that the Parliament did not mean by such an Address to have all Sorts of Orders laid before them, whether they were such as by the little Clerks of the Office are properly called Orders, or such as are by them properly called Instructions.

But, my Lords, I am no such Slave to Precedents as to think, that we can take no Step unless there be a Precedent for it, or that we may do whatever our Ancestors have furnished us with a Precedent for doing. I shall always be for making some Use of my own Understanding, and if upon mature Deliberation I think any Step right, I shall be for it, tho' warranted by no Precedent: If I think it wrong, I shall be against it, tho' warranted by an endless String of Precedents. That we have a Right in this House to advise the Crown, that we have a Right to enquire into the Conduct of Ministers, as well to prevent Mischief as to punish it, is admitted; that we can in most Cases do neither, without having the most important Secrets of Government laid before the House, or before a secret Committee,

Anno 14. Geo. II.

1740.



mittee, is indisputable ; and therefore I shall always disdain the Maxim, that no Papers supposed to contain any Secrets of Government ought to be addressed for by this House.

For this Reason, my Lords, I think, there is no Occasion for the Amendment proposed by the noble Lord that spoke last : I think it inconsistent with the Dignity of this House to agree to it. It is not the Misconduct of little Underlings in Office we are to enquire into and punish in this House : It is the Misconduct of chief Ministers. Whereas, if we agree to this Motion, with the Amendment proposed, it will be a standing Testimony upon our Journals, that chief Ministers are too high for this House to meddle with ; and if we should ever begin to think so, we can then only detect the Negligence or Corruption of inferior Officers, but the dangerous Errors of chief Ministers must remain concealed, till some terrible Misfortune or general Distress involves them in the common Ruin of their Country.

My Lords, it is generally suggested, and, I believe, there is some Truth in it, that Mr. *Vernon* has in some of his Letters complained of our Conduct in general, ever since the War commenced, and that he has given his Reasons for those Complaints. As he is in, as he is well acquainted with that Country where the War ought to have been most vigorously pushed, those Letters are absolutely necessary for our Information : We must have them before us, if we resolve to do what the whole Nation, I may say the whole World, expects from us. These Letters will, I am persuaded, justify the Motion which was made, but disagreed to, at the End of last Session of Parliament, when we had the State of the Nation under our Consideration ; therefore, I must be against the Amendment, for if it should be agreed to, I shall, for the Sake of the Honour of this House, be against the Motion.

The Question was then put, and the Motion carried with the Lord Chancellor's Amendment.

These two Motions of the Lord *Bathurst's* produced the following Protests, *viz.*

Protest on the
first Motion,

To the Negative put upon the first. *Dissentient,*

1. Because we conceive, that the calling for all Instructions given to Generals and Admirals, is not only proper and predated, but is also a necessary Step towards the Exertion of our Privilege, as hereditary Counsellors for advising the Crown, which Privilege can be properly exercised only in Matters depending. And, if from pretended Apprehensions of unseasonable Discoveries, Instructions are to be kept secret from this House, till after they have had their Effect, the Weakness or Guilt of the Measures of an Administration will

will appear probably too late to punish the Offenders, but Anno 14. Geo. II. certainly too late to prevent the Mischief.

1740.

2. Because we do not find any Negative put upon Motions for Instructions before the Year 1721; from which Time, indeed, Instructions began to be of such a Nature, that we do not wonder their Authors desired to conceal them. The Instructions by which our Fleet lay in shameful Inaction before *Gibraltar*, when besieg'd, and suffered the Enemy's Ships to bring Ammunition and Provisions to their Army, and those by which three Admirals, about thirty Captains, above one hundred Lieutenants, and four thousand private Seamen, perished most ingloriously at the *Bassimentos*, create, as we conceive, a just Suspicion of all subsequent Instructions flowing from the same Source, and, in our Opinion, evince the Necessity of the strictest Enquiry, and most ample Informations in this important Conuncture.

3. Because the Motion under the Limitations which accompanied it, was not even liable, as we apprehended, to the modern Objection of making improper Discoveries of future Designs; and it is impossible to conceive, that when Admiral *Vernon* failed from hence with so small a Force as five Ships only, and before the long-wish'd-for Declaration of War, that his Instructions could contain any thing more than Orders for Reprisals: Since, considering his insufficient Force, any Orders to attempt even what he so happily and unexpectedly executed, would have been contrary to the Genius, and inconsistent with the too long-experienced pacific Disposition of the Administration.

4. Because, that as the *West-Indies* were allowed by all Lords in the Debate to be the proper Scene of Action, we think it our Duty more particularly to attend to the Conduct of the Administration in those Parts; especially since, from the Time of the Declaration of War, till very lately, that important Scene of Action seems to have been neglected or forgot; while, as we apprehend, the slightest Alarms have been fondly credited as Reasons for keeping our numerous Forces at home, to the Oppression of the People; whereas a small Proportion of them, timely employed in the *West-Indies*, against a then unprepared and unprovided Enemy, might probably have enabled Vice-admiral *Vernon* to have brought this just and necessary War to a speedy and happy Conclusion.

5. Because we apprehend that the Denial of these necessary Lights in the first Step of the Enquiry, not only casts a Damp upon the Enquiry itself, but must also lessen the Weight of any Resolutions that may be taken in the Course of it. The Nation that so unanimously expects and calls for an Enquiry into a Conduct, which at best seems to them un-

Anno 14. Geo. II. accountable, if not blameable, will be confirmed in what-
 1740. ever Suspitions they might entertain, when the Lights neces-
 sary to remove those Suspitions are denied; and should we
 come to any Vote of Approbation, such a Vote may per-
 haps be misconstrued to be an influenced Complaisance to the
 Administration, the dictated Result of a pretended Enquiry
 founded only upon imperfect Facts, and partial Representa-
 tions.

*Bathurst, Chesterfield, Carlisle, Bridgwater, Middleton,
 Aylesford, Willoughby de Brooke, Thonet, Denbigh,
 Bristol, Greenwich, Westmoreland, Shaftsbury, Cobham,
 Haversham, Talbot, Litchfield, Hallifax, Gower.*

To the Amendment made to the second :

Dissentient.

Another on the
 Amendment
 made to the se-
 cond.

Because we conceive those restrictive Words will prevent
 the House from receiving that Information which we think
 absolutely necessary : For if Vice-Admiral *Vernon*, in any of
 his Letters, has given it as his Opinion (as it is generally be-
 lieved he has) that with a moderate Number of Land-Forces
 he could have made such important Conquests in *America*,
 as would have brought our Enemies before this Time to sue
 for Peace, this House had, as we apprehend, a Right to see
 such Letters, without which, we conceive, this Enquiry can
 only tend to detect the Negligence or Corruption of inferior
 Officers, and the capital Errors of the Ministers themselves
 may remain concealed.

Signed as before ———

December 8. The Earl of *Sandwich* stood up, and spoke to
 the following Effect.

Earl of *Sandwich*.

My Lords,

Altho' I cannot pretend to great Experience, yet if I
 know any Thing of the Constitution of our Government,
 when from all Circumstances that are publicly known, there
 seems to have been an Error or Neglect in the Conduct of
 public Affairs, it is the Duty of this House to make some
 Enquiry into that Error or Neglect, in order to give Advice
 to our Sovereign, and Satisfaction to our Country. That
 Conduct may, upon a full Information, appear to be right,
 but if at first View it appears to be wrong, every Lord in this
 House who is not let into the Secret of Affairs, has a Right
 to desire Satisfaction; and if it be such as is generally com-
 plained of, he is in Duty bound to desire an Explanation,
 when it can be had without doing a manifest Injury to the
 Public. This is my Way of thinking, and therefore I hope
 your

your Lordships will excuse me, if the Motion I am to make, Anno 14. Geo. II.
should be thought improper.

1740.

It is now above a Year and a Half since Reprisals were resolved on, and above a Year since War was declared against Spain: When the Reprisals were issued, every Man in the Kingdom foresaw, except those who should have foreseen, that a declared War would be the Consequence of those Reprisals; and therefore every Man in the Kingdom, except the Persons concerned in our Administration, condemned that Method of beginning Hostilities. Even tho' we had supposed, that a declared War would not be the certain Consequence, yet considering the Nature of our Quarrel with Spain, the Method of Reprisals was the most improper we could take for obtaining Redress. When a Nation has been no way injured, but in its Property, or in the Property of its Subjects, Reprisals may then be sufficient for obtaining Reparation; but when a Nation has been insulted, and its most valuable Rights not only invaded, but expressly denied, an immediate Declaration of War is the only proper Remedy. In such a Case, to think of contenting ourselves with Reprisals only, was but a new Pattern of that irresolute Conduct, of which we have of late Years given so many and such destructive Examples.

As Reprisals were not a proper Method for putting an End to such a Contest, and as we might have foreseen, that the certain Consequence of Reprisals would be a War, we should, in my Opinion, have begun Hostilities by a Declaration of War, and that Declaration of War should have been attended with immediate and vigorous Attacks upon the Enemy in every Part of their Dominions, where we could either hurt them, or gain any Advantage to ourselves; for as we are a trading Nation, our Trade must suffer by every War we can be engaged in, and therefore we ought to begin and prosecute every War with the utmost Vigour, in order to put an End to it with the utmost Dispatch. The Right we are now contending for, is of the utmost Consequence to us: It is a Right without which this Nation cannot long remain in its present Splendor and Power; and therefore I hope we shall soon be able to establish it, by obliging the Enemy to acknowledge it in the most express Terms, and not as usual, by a general Confirmation of former Treaties; but if by a languid Prosecution of the War, we should not be able to accomplish this just and desirable End, in a short Term of Years, even this Right which is now so valuable, may come to be of very little Consequence; for after we have entirely lost our Trade and Navigation, a Freedom of Trade and Navigation will not be so valuable as it is at present; and if we consider the present Circumstances of Europe, if we con-

1740.

4 B 2

sider,

Annor 14. Geo. II.

1740.

sider, that all our Rivals in Trade are in profound Tranquillity, and at Liberty to pursue their Trade without Interruption, whilst ours lies exposed to all the Dangers and Inconveniencies of War, what have we not to dread from a long Continuance under such Circumstances? Our Case is now very different from what it was during the War in Queen *Anne's* Reign: Many particular Merchants might then suffer, but our Trade in general could not suffer, nor could it be undermined by any of our Rivals, because they were then engaged in War as well as we. If our Merchants paid high Freight and Insurance, our Rivals then did the same: If our Merchants lost one Cargo of Goods bound to any foreign Market, they got the better Price for those that safely arrived; but now they can expect no such Advantage: On the contrary, our Merchants will be underfold by our Rivals at all Markets, and in all Sorts of Goods; and consequently, in this War our Trade in general, as well as particular Merchants, must suffer by the Captures we lie exposed to.

If this, my Lords, had been duly considered by those, whose Duty it was to consider it, surely the War would have been begun in a different Method; at least, after it was declared, it would have been prosecuted in a different Manner. I shall say nothing of what has been done, or rather what has not been done in the *West-Indies*: As that Matter has already been fully explained in a former Debate, I shall now confine myself entirely to the *Spanish* Dominions in *Europe*, where, I think, we might have done much greater Hurt to the Enemy than we have done, or so much as attempted to do. Are the *Spaniards* invulnerable in *Old Spain*? Is it impossible to burn a Ship in any of their Harbours? Is it impossible to land and kill a Chicken, or sack a Country Village upon any Part of their Coast? From our Conduct in the War, one would really be apt to think so, if the contrary were not notoriously known. There are very few Harbours in *Spain*, if any, which we might not have entered, and burnt every Ship in the Harbour; and with regard to their Sea-Coasts, except just in the Neighbourhood of their fortified Towns or Camps, we might have landed wherever we had pleased, and might have plundered and laid waste the Country for several Miles together, before they could have brought a superior Force against us. I shall not say, that the Nation, or that our Troops could have got any immediate Advantage by such Attempts; but by so doing, we might have so hurt the Enemy, and harassed their Country, as would have made them soon tired of the War; and this in its Consequences would have been a great Advantage to the Nation, by bringing the War to a speedy, as well as honourable Conclusion.

Instead

Instead of this, my Lords, what have we done ? We have
 been at the Expence of keeping a Squadron upon the Coasts
 of *Spain* ever since, and for some Time before the War be-
 gan ; but that Squadron has all along remained in a most un-
 accountable State of Inaction. In my Opinion, it has rather
 served to protect than injure the Enemy ; for as soon as we
 issued Orders for Reprisals, this Squadron was stationed in
 view of the Bay of *Cadiz*, lest any of their Merchant-Ships
 should venture out, and thereby expose themselves to the
 Danger of being taken by our Men of War or Cruisers. I
 shall not say that this was really the Design of placing our
 Squadron in that Station ; but if we consider those Circum-
 stances that are known, it would seem to have been so :
 There was then in the Harbour of *Cadiz* a Fleet of Mer-
 chant-Ships full loaded, and almost ready to sail for the *West-
 Indies* : There was likewise a Squadron of Men of War not
 near fitted out. Our Squadron continued in that Station till
 all the Enemy's Merchant-Ships were unloaded and laid up ;
 but as soon as their Squadron of Men of War was fit for pro-
 ceeding upon any Voyage, our Squadrons all retired from
Cadiz, some into the *Mediterranean*, and some to *Gibraltar*,
 without so much as leaving an Advice-Boat, so far as I have
 ever heard, to give them Notice of the Enemy's sailing. Ac-
 cordingly the Enemy took Advantage of the Opportunity we
 had thrown in their Way : Their Squadron sailed from *Ca-
 diz* to *Ferrol*, and from thence, without the least Distur-
 bance, to the *West-Indies*.

Ann^o 14. Geo II.

1740.

My Lords, I do not say it was wrong to allow their Squa-
 drons to sail. I think we ought from the very Beginning to
 have given both their Squadrons and Merchant-Ships full
 Liberty to sail out of their Ports, since we were resolved not
 to attempt any thing against them while they were there ; but
 then we should have taken all possible Care to pursue or interrupt
 them as soon as they did sail. We got hold by great Chance
 of one of their Men of War, by allowing her to sail out of Port,
 which we should never have done if we had followed our wise
 Scheme of confining all their Ships close within Harbour. I say
 by great Chance ; because, I believe, it will not appear that
 our intercepting the *Princessa* Man of War was owing to any
 Advice we had received, or any Scheme we had formed.
 But we had not so good Luck, nor indeed was it possible for
 us to have so good Luck, with respect to the *Cadiz* Squa-
 dron ; because we did not offer to pursue it, either in its Pas-
 sage from *Cadiz* to *Ferrol*, or from thence to the *West-Indies* ;
 and yet we had, I think, at that Time, one Squadron at
Gibraltar, and another gone to do, I know not what at
Portmahon ; for suppose the *Spaniards* had a real Design a-
 gainst

Anno 14. Geo. II.

1740.

gainst that Place, which, I believe they never had, three of four Men of War would have done as well for preventing it as ten times the Number, because the Enemy could have no Squadron to convoy their Transports.

I know, my Lords, it will be said, that the Protection of our Trade in the *Mediterranean*, and the Preservation of our Possessions in that Part of the World, was of great Consequence to the Nation, and that both have been secured by Means of that Squadron which we have kept in the *Mediterranean* and before *Cadiz*. But can this be an Excuse for our Squadron's undertaking nothing against the Enemy? Are we to declare War against *Spain*, and then think of nothing but our own Defence? If our Squadron had burnt the Ships in every Harbour of *Spain*, if it had landed Troops from Time to Time, and plundered and laid waste their open Coast from one End to the other, our Possessions might have been equally well protected, our Trade would have been much better protected, than it has been; for whatever may be said by some Gentlemen in the City, whose chief Trade consists in making the most of the Distresses of their Country, it neither has been, nor will be said by any Number of real Traders, that either in the *Mediterranean*, or upon the Coasts of *Portugal*, our Trade has been so well protected as it ought, and might easily have been, against such a Nation as *Spain*, which has not above two or three Ports where their Privateers could put into and remain with any Safety, if we were to make the best Use of that Power which God Almighty has put into our Hands.

But whatever Errors we may have committed, whatever Neglects we may have been guilty of, with regard to our Conduct in the *Mediterranean*, or upon the Coasts of *Spain*, I am far from imputing them to the Gentleman who has the Command of our Squadron in that Part of the World. From that Gentleman's Character in Life, from the whole Tenor of his former Behaviour, I must suppose, that he would willingly have acted for the Honour and Advantage of his Country, to the utmost of his Power; that for this Purpose he would have ventured his Life with Pleasure, and therefore I must impute the whole of our Misconduct to those who gave him his Instructions. In their Favour there is nothing to plead: From their Character in Life, from the whole Tenor of their former Behaviour, it must be supposed, the whole Nation does suppose, their Instructions were such as no brave Man could receive with Pleasure, as every true *British* Commander would peruse with Indignation. This, I say, my Lords, is the Opinion that generally prevails

prevails without doors. If there be any Foundation for it, Anno 14. Geo. II. 1740. your Lordships must grant, that the Conduct of those who gave such Instructions ought not only to be enquired into, but censured: If there be no Foundation for it, your Lordships ought, I think, to make an Enquiry into the Affair, that the Administration may be justified, and that the Nation may know, that our Inactivity in the *Mediterranean*, and upon the Coasts of *Spain*, was not owing to any Neglect, Timidity, or Treachery in us, but to the new and surprising Activity and Vigilance of the Enemy, who had so fortified all their Harbours, and their extensive Coast, that it was impossible for us to think of attacking them any where with Success.

For this Reason, my Lords, I think myself obliged, and therefore shall beg Leave to move your Lordships to order, 'That Copies of the several * Instructions given to Rear-Admiral *Haddock*, from the Time of his sailing from *England* in the Year 1738, to the 24th of *June* last, be laid before this House.' This, my Lords, is my Motion, and I hope it will not be thought improper or unseasonable. I am sure, the same Objection cannot be made to it, that was made against calling for Admiral *Vernon's* Instructions; for, I am convinced, it will not be said, that any Expedition against the Enemy in *Europe* has ever been so much as designed, and much less, that Admiral *Haddock* has ever had Instructions for any such Purpose. From this Motion, therefore, there cannot be the least Danger of divulging any of the Secrets of our Government; and by having all those Instructions laid before us, we shall have an Opportunity, I hope, of vindicating our Administration against those Suspicions and Surmises, that are now spread over the whole Nation; from whence I cannot but expect the Concurrence of all those that are their Friends, and from that Concurrence, I think, I have good Reason to expect Success in my Motion.

This Motion being seconded by the Earl of *Hallifax*, Seconded by the the next that spoke was the Duke of *Newcastle*, the Purport Earl of *Hallifax*. of whose Speech was as follows, viz.

My Lords,

If I could join in Opinion with the noble Lord, that Duke of *Newcastle* what he proposes could no way tend towards divulging the castle. Secrets of the Government, I should, for the Reason he has given, most heartily concur with him in his Motion; but in this Particular I differ from him, and therefore, for the Sake of the Public, which I shall always prefer to the Interest

† See *Chand. Hist.* Anno 14. Geo. II. 1740. P. 39,

Anno 14 Geo. II.
1740.

Interest of any private Man, and even to my own Interest or Ouriosity, I must give my Negative to his Motion. Whether there have been any Designs formed for attacking the Enemy in *Old Spain*, for burning the Ships in any of their Harbours, or for making a Descent upon any Part of their Coasts, I shall not pretend to determine; but this I am sure of, that a Design has been formed, and hitherto prosecuted with as much Success as could be expected, for protecting our Trade, and securing our Possessions in the *Mediterranean*; and as the proper Methods for effecting these necessary Ends must be supposed to have been prescribed to Admiral *Haddock* in his Instructions, I must think it would be very improper to publish those Instructions, which would be the Effect of their being laid before this House; because the Enemy would thereby learn how to evade all the Measures we can take, either for the Protection of our Trade, or the Security of our Dominions.

I shall grant, my Lords, that the People in all Countries, and in this more than any other, are fond to hear of Sieges, Battles, and Bloodshed, and apt to imagine, that there is nothing too difficult for their Fleets and Armies to undertake; and therefore they are very apt to complain, when their warmest Expectations are not answered. From hence there may, perhaps, be a Clamour amongst the unthinking and ignorant Populace against our Conduct in this War, because it has not been attended with so much Slaughter and Devastation, as they expected; but to those who know and consider the Situation and Conduct of the Enemy, this can be no Ground of Complaint. If we had to do with an Enemy, that would give us a fair Meeting either at Land or Sea, our Populace might have been diverted with Battles, and, I hope, with Victories; but the *Spaniards* are too sensible of the Superiority of our Strength, to give us an Opportunity of attacking them any where upon equal Terms, especially in *Europe*. They have fortified all their Harbours, at least all those Harbours, where there are any Ships worth burning, in such a Manner, that our Squadrons cannot, without great Danger, approach them by Sea; and to attack them by Land, we must send a greater Army to *Spain*, than what we have now on Foot; for every one knows, that in *Spain* they have a standing Army much more numerous, than that we have at present in *Great Britain*.

From this single Consideration, your Lordships may see the Reason of the Complaints without doors, and how easy it would be for our Ministers to justify their Conduct, if they had a mind to lay all proper Materials before you; but this, they know, would make such Discoveries, as would

be attended with great Prejudice to the Public ; and therefore I must look upon their Patience, under this Heap of Scandal they are so industriously loaded with, as a most signal Piece of Self-Denial. It is a Sort of Sacrifice they at present make to the Good of the Public ; and I shall never, by any Act of mine, divert them from making that Sacrifice, or compel them to sacrifice the Good of the Public to their immediate Justification.

Anno 14. Geo. II.
1740.

I am far from saying, my Lords, that any Designs have, or have not been formed, for making an Attack upon the Enemy in *Old Spain* ; but this I am sure I may say, that such Designs either have, or have not been formed, and in either Case it would be improper for us to call for Admiral *Haddock's* Instructions. If such Designs have been formed, we must suppose, that Admiral has had Instructions relating to them ; and as they have not yet been executed, the publishing of those Instructions would certainly prevent its being ever possible to execute them hereafter ; therefore, in this Case, it must be allowed, that our calling for these Instructions would be both improper and dangerous. On the other Hand, suppose no such Designs have ever been formed ; suppose it should appear, that our Admiral had no Instructions relating to any such Designs ; if those Instructions should be made public, it will lay our Ministers under the fatal Necessity of publishing all the private Informations they have had from *Spain*, relating to the Harbours, Fortifications, People, and Troops of that Kingdom, in order to justify their not having formed any such Designs ; and perhaps likewise the Persons Names who gave them these Informations, in order to shew, that they were such as might be depended on ; and I shall leave to your Lordships Consideration, whether it would be proper to lay the Administration under such a fatal Necessity, in the Time of an open War between the two Nations.

My Lords, I am very little capable of giving my Opinion about the Nature of Fortifications, and the Probability of Success in attacking any fortified Place ; but this I will say, that by the Instructions given to our Admiral we could determine no such Question. For this Purpose, we must have a Plan of the Fortifications laid before us, and must examine the most expert Engineers, as to the several Forts and Forts of the Place ; and a public Enquiry of this Sort would not, I think, be prudent *pendente Bello*, and before any Attack has been made upon the Place : Yet it must be allowed, that without such an Enquiry we could neither justify nor condemn our Administration, for not having formed and executed such a Design ; and I shall always think it more

anno 14. Geo. II.
1740.

excusable in a Minister, to run the Risk of having his Conduct censured, for not forming and executing a dangerous Design, than for his having formed such a Design, and failed in the Execution; because, in the former Case, his Misconduct can be attended with no Expence, nor any great Misfortune; whereas in the latter, his Misconduct may be attended with great Expence to his Country, and with the Blood of Thousands of the bravest of his Countrymen.

With regard therefore to our attempting to burn and destroy the Enemy's Ships in their Harbour, I shall say no more but this, my Lords, that, I believe, those who are concerned in our Administration, have as good Information, and are perhaps as good Judges as any Lord in this House can pretend to be; and as they have not yet attempted any such Thing, I must believe it either impracticable, or not worth the Risk and Expence. But with regard to making a Descent upon their Coast, and plundering and laying waste the open Country, I must first observe, that no such Thing could be done, without sending a Body of Land-Forces thither for that Purpose; and this we could not do till we had augmented our Army so as to be able to spare such a Body of Land-Forces, without endangering our Safety at home, and without delaying our Preparations for pushing the War in the *West-Indies*, where, I believe, your Lordships will allow it ought to be pushed with the most Vigour. Therefore, if there has been any Failure upon this Head, it is not to be imputed to those in the Administration, but to those who have for many Years opposed our keeping up any greater Number of Troops than was absolutely necessary for our Security in Time of Peace.

To this, my Lords, I must add another Observation, which will shew the Inconsistency of some People's way of arguing. In all Debates upon the Army, of which I have heard a great many, it has been continually insisted on by those that argued against the Army, that our Militia alone, without the Assistance of any regular Troops, would be able to repel any Invasion made upon us with 5 or 6000 foreign Veterans: Whereas in this Debate, the Militia of *Spain* seems to be of no Account: We have nothing to fear from them; and therefore, if we should land a Body of regular Troops upon their Coast, we might plunder and lay waste the Country, and might reimark without Opposition or Danger; because they could not soon bring a superior Body of their regular Troops against us. Now, my Lords, I should be glad to know, why there is such a Difference between the Militia of *Great Britain* and the Militia of *Spain*.

I shall

I shall readily admit, that our common Men have generally more personal Bravery than the common Men in *Spain*; but, I believe, they are pretty equal as to Discipline; and it is well known, that when Armies engage, it is not the personal Bravery of Individuals, but the Discipline of the Troops in general, that gives the Advantage and secures the Victory. Therefore, if the Militia of *Spain* are as formidable as the Militia of *Great Britain*, we could expect no great Advantage, nor could we do the Enemy any great Hurt, by landing 5 or 6000 regular Troops in their Country; and, I believe, no Man will suppose, we ought to employ any greater for that Purpose.

From these Considerations, my Lords, I am apt to suppose, that in sending a Squadron to the *Mediterranean*, we had no other Design than that of protecting our Trade, and securing our Possessions, in that Part of the World. For this Purpose it was absolutely necessary to send such a Squadron as was superior to any the Enemy could send out against us; and whatever Expence the Nation may thereby have been put to, your Lordships must grant, it was necessary. I can therefore see no Reason you have for calling for Admiral *Haddock's* Instructions, or for making any Enquiry relating to that Squadron; since it has not been complained of even without Doors, that our Trade or our Possessions in the *Mediterranean* have been any way neglected. As to the Enemy's Squadron escaping from *Cadix*, and afterwards from *Ferrol*, it occasioned no Misfortune to this Nation, and it may be imputed to so many Accidents, that, I think, it argues a Want of Charity to impute it to a bad Design, or to a Misconduct, in any Person concerned in our Government. Every one knows, that Admiral *Haddock* was then sailed up the *Mediterranean*, to prevent the Execution of a Design that had actually been formed against our Island of *Minorca*; and nevertheless, if I have been rightly informed, the Enemy's Squadron from *Cadix* might probably have been intercepted, or met with at Sea, if it had not been for an Accident which happened with regard to some Orders sent out upon that Occasion.

As I have now, I hope, my Lords, given sufficient Reasons for my disagreeing to the noble Lord's Motion, I should have given you no more Trouble at this Time, if the noble Lords who have already spoke in this Debate, had confined themselves strictly to the Question before us; but in this Debate, as well as most others, several Matters of a foreign Nature have been mentioned, and found fault with, and therefore I hope your Lordships will give me leave to say something in Vindication of what I have always, and still

Anno 14. Geo. II.
1740.

do approve of. I shall grant, that the *Spaniards* had contested several Rights of great Consequence, which we had a just Title to, and likewise, that they had usurped, or pretended to some Rights, which they had no Title to; but if these Contests and Pretensions had been attended with no real Injury, they would never have afforded a sufficient Reason for our declaring War, or committing Hostilities; for it often happens, that two Nations have mutual Pretensions, which neither will expressly give up, and yet while these Pretensions are allowed on both Sides to lie dormant, neither of them take Occasion from thence to declare War against the other. But this was not the Case between us and the *Spaniards*: They would not allow their Pretensions to lie dormant: They would exercise the Rights they pretended to; and thereby occasioned many grievous Losses to the Subjects of this Nation. These Losses, and a positive Denial of Reparation, made Reprisals on our Side absolutely necessary; but they did not make a Declaration of War absolutely necessary; because by Treaty between us it was expressly stipulated, that in such Cases the Party injured might make Reprisals, and that such Reprisals should not by the other Side be considered as a Rupture, or Cause of War. Now if we had, by Means of Reprisals, obtained full Reparation for all our Losses, and *Spain* had given over exercising the contested Rights she pretended to, we should not, I think, have had the least Occasion to declare War; because we might have continued on both Sides to allow our contested Pretensions to lie dormant, as long as neither Side suffered by such Pretensions; and therefore I must think, that we were in common Prudence obliged to try first what could be done by Way of Reprisal; for surely a War, especially against *Spain*, is to be avoided, if possible.

But besides this, my Lords, there was another Reason for our entering into a War against *Spain* with all imaginable Caution. We know how jealous all the trading Nations of *Europe* are of *Spain's* having any of her Dominions in *America* taken from her by us, or by any other neighbouring Power, and how ready they would all be to fly to her Assistance, if they saw her in any such Danger. If we had entered hastily into the War against *Spain*, and had at once sent a strong Squadron with a great Body of Land-Forces to the *West-Indies*, the other Powers of *Europe* would probably have imagined, that we were directed by ambitious Views, and that we intended to strip *Spain* of all her Settlements in *America*, which would certainly have united all the trading Powers of *Europe* against us; and such a Confederacy, I believe, it will be granted, we were by all Means

Means to prevent. We were therefore to take the most proper Methods for convincing the other Powers of *Europe*, that we had nothing in View but Self-defence, and the Security of our Trade and Navigation in Time to come; and in order to do this, it was necessary for us to try what could be done by Reprisals, before resolving to declare War, in order to shew that our Declaration of War did not proceed from an ambitious Choice, but from mere Necessity.

Anno 14-Geo.II.
1740.

I shall readily agree, my Lords, that our Circumstances in this War, are more unlucky than they were in the War during Queen *Anne's* Reign. Our Trade in general must necessarily suffer by our being engaged in War, when all our Rivals in Trade are in perfect Tranquillity. This Misfortune, peculiar to the present War, was foreseen by those who had the Conduct of our public Affairs, and therefore they tried all possible Means for avoiding a War, which they saw would be of such pernicious Consequence to our Trade and Navigation in general. I was, indeed, surprized to hear this Circumstance so much as mentioned, by any Lord that finds fault with the Measures which were taken, for preventing our being obliged to enter into the present War; for, in my Opinion, it is a full Justification of every Step taken for that Purpose. It is true, it is likewise an Argument, now we are engaged, for prosecuting the War with the utmost Vigour; but neither this nor any other Argument can make us push the War with more Vigour than we are Masters of; and if we apply a Part of our Vigour towards pushing the War in one Place, we must necessarily abate of our Vigour in every other. Therefore, if we had attacked the Dominions of *Spain* in *Europe*, we must have attacked her Dominions in *America* with the less Vigour; and I appeal to your Lordships, whether it would have been prudent or right in us to have done so.

From all which I must conclude, my Lords, that the wisest and best Method for prosecuting this War, was to make our whole Push against the *Spanish* Dominions in *America*; and consequently, we were to act upon the Defensive only in *Europe*, and to take all possible Care to prevent its being in the Power of the Enemy to send any Reinforcements or Supplies to their Dominions in *America*. For this Purpose, we were to prevent, as much we could, the sailing not only of their Squadrons, but also of their Flotas, and even their Merchant-Ships; and this has been done as effectually as it was possible for us to do, considering the boisterous Seas upon the Coasts of *Spain*, and the Necessity of our Squadron's retiring sometimes into Port, either to avoid a Storm or to refresh the Seamen. What

Occa-

Anno 14. Geo. II.

1740.



Occasion therefore can we have for seeing Admiral *Haddock's* Instructions? If from thence it should appear, that he had Orders to attack any of the Dominions of *Spain*, we cannot upon that Account find Fault with them; and and if he had Orders for making any such Attack, but has not yet found an Opportunity to carry them into Execution, would it be proper, would it be prudent in us, to desire such Instructions to be laid before this House?

Lord *Batburff*.

My Lords,

Lord *Batburff*.

The two noble young Lords who opened this Debate, spoke with such Dignity, such Strength of Argument, and such Propriety of Expression, that I began to imagine myself in an old *Roman*, an *Athenian*, or *Lacedemonian* Senate; and therefore I must return Thanks to the noble Duke who spoke last, for he has brought me back to a *British* House of Peers. However, I hope he will excuse me, if I do not entirely approve of the Arguments he has been pleased to make use of, for justifying the Negative, he says, he is to give to this Motion.

I do not really know, my Lords, what the noble Duke means by the Danger of discovering the secret Methods, which our Ministers have in their great Wisdom prescribed to Admiral *Haddock*, for protecting our Trade and securing our Possessions in the *Mediterranean*. I cannot comprehend how there can be a Secret in any Method that can be prescribed for that Purpose, nor can I suggest to myself how the *Spaniards* could disturb either our Trade or our Possessions in that Part of the World, more than they have done, should they be informed of every Method we have prescribed, or can prescribe for preventing it. There is but one Secret that I am afraid of the Enemy's getting hold of, which is the Secret of procuring such Instructions to our Admirals as must prevent their doing their Duty to their Country; and the best Method for keeping this Secret from the Enemy is, to let our Ministers see, that the Parliament will, from time to time, make a strict Scrutiny into their Conduct, and for that Purpose require and insist upon seeing the Orders and Instructions they give to our Commanders, either by Sea or Land.

I shall admit, my Lords, that in all Countries, the People, when they are engaged in War, expect to hear of Battles and Bloodshed: As they pay heavy Taxes for supporting the War, and suffer many Inconveniencies on Account of it, they have a Right to that Expectation; because the more hotly it is pursued, the sooner it will be at End. They do not like to pay for *Spithead* Expeditions, nor for *Horn*

En -

Encampments; because they know that such war-like, tho' Anno 14. Geo. II.
no war-making Measures, render them the Scorn of their
Enemies, and entail a perpetual Expence upon them. The
People of this Country may, perhaps, seem more fond to
hear of Sieges and Battles in Time of War, than the People
in any neighbouring Country; but it is not because they
are really so, but because they have as yet more Freedom to
declare their Sentiments. The People in all Countries have
an equal Right, and are equally fond, to hear of their Mo-
ney's being properly applied; and if it is, they must hear
both of Battles and Sieges, let the Victory be on what Side
it will. Shall our People be told, by Way of Excuse for
our Inaction, that the Enemy will not meet us in open Sea,
and upon equal Terms? My Lords, we knew this from the
Beginning. We knew the Enemy neither would nor could
dare to encounter us at Sea; and therefore, let the Difficulty
be never so great, we ought from the Beginning to have re-
solved to attack them at Land; for unless we do so, the War
will be everlasting. They have no Trade: They cannot
therefore suffer by the Continuance of the War: On the
contrary, they will be Gainers; because they will always
be able to take more of our Merchant-Ships than we can
take of theirs, especially if we never think of attacking and
burning their Ships in the Harbours. We must therefore at-
tack them at Land, if we ever expect to see an honourable
End of the War. This the People know, and this makes
them so uneasy on Account of their not having yet heard of
any such Attack being attempted.

The Complaints of the People are not therefore, my
Lords, without Foundation; and if they have any Founda-
tion, the Patience of our Minister, under the Load of Re-
proach, which increases daily, cannot be owing to any Self-
denial, or to his Regard for the public Good, but to a Con-
sciousness that his Conduct deserves to be censured, and cer-
tainly would be censured, if it were to be strictly enquired
into. I say, my Lords, our Minister; for when I talk of
Conduct, when I talk of Reproach, I must speak in the sin-
gular Number; because the whole Nation supposes we have
a sole Conductor, and against him alone the Reproaches of
the whole Nation are directed.

But for God's Sake, my Lords, what can the public
Good have to do with the not laying an Admiral's Instruc-
tions before this House? Their being laid before this House,
or a secret Committee of this House, may often be of great
Advantage, but never can be a Prejudice to the Public. The
only Pretence for saying it may be of Prejudice to the
Public, is founded upon a begging of the Question. It is
first

Anno 14. Geo. II. first supposed, that nothing can be laid before this House;

1740.



without being made public; and from thence it is argued, that therefore no Paper ought to be laid before this House, when the Contents are such as ought not to be made Public. Has this Supposition ever been granted? Can it be granted by those who know any Thing of our Constitution or Forms of Proceeding? When we appoint a secret Committee, is it not to be supposed, that the Secrets committed to their Charge will be as sacredly kept, as those committed to his Majesty's Cabinet Council? Therefore the laying of any Papers before us, let them be of ever so secret a Nature, can never be inconsistent with the public Good: It can never be inconsistent with the Good even of a Minister, unless his Good be inconsistent with the Good of the Public; and when this happens to be the Case, I am sure, it is not consistent with our Honour, nor with our Duty, to refuse to call for such Papers as may discover that Inconsistency.

Having thus shewn, my Lords, that the public Good cannot be in the least Danger of suffering by this Motion's being agreed to, almost every Argument the noble Duke was pleased to make use of against it, must fall to the Ground. One, indeed, I shall grant, is not affected by what I have yet shewn: His Grace was pleased to observe, *Cui bono* will you call for these Instructions? For tho' from them it should appear, that Admiral *Haddock* had no Orders to make any Attempt against *Spain*, you could not on that Account find Fault with them, because no Success could be expected in any such Attempt; and as the sending that Squadron thither, has answered every other End, you can neither find Fault with his Conduct or Instructions. For supporting this Argument, his Grace endeavoured to shew, that we could neither burn the Ships in any of the Enemy's Harbours, nor make a Descent upon their open Coast; and that their Squadron escaped both from *Cadix* and *Ferrol* by mere Accident.

My Lords, these are Questions that cannot come properly before us, till we have the Instructions now moved for; but after we have these Instructions, we may then call for such Papers as will enable us to pass a Judgment upon every one of these Questions. In the mean Time I must observe, that if we judge from Experience, we must suppose, it was very practicable to attack most of the Harbours of *Spain*, with so much Success at least, as to be able to burn every Ship in it; and that it was still more practicable to make a Descent upon their open Coast, and thereby do them a deal of Mischief.

This I say, my Lords, we must suppose, if we judge from Experience, because we never yet attacked any of the Harbours

Harbours of *Spain*; nor made a Descent upon any Part of their Coast, without doing them great Mischief; and tho' by Oversight or Mismanagement we seldom had all the Success we expected, yet we never met with any great Loss, but retired in Safety to our Ships, as soon as we found it necessary, or perceived any Danger approaching. In Queen *Elizabeth's* Time, when our Schemes were concerted with more Wisdom, and conducted with more Vigour, than, I believe, they have ever been since, we actually took the Town of *Cadiz*, and burnt, sunk, or took every Ship in their Harbour; in which Expedition there were but 7000 Men employed; and I must observe, that we had then no standing Army, the Troops employed being all new-raised Men, without allowing them so much as one Month to learn what is now called military Discipline. Again, in Queen *Anne's* Time, the next Queen we had, and the next Time this Nation made a glorious Figure in *Europe*, we attacked the same Place; and tho' by many Pieces of Mismanagement on our Side, which it would be easy to shew, we failed of Success with regard to the City and Harbour of *Cadiz* itself, yet we did the *Spaniards* great Damage, and our People got a great deal of Plunder, at *Port St. Mary's*; and the same Fleet, in its Return, made the famous and successful Attack upon *Vigo*, where we took and destroyed a great Number of Men of War and Galleons.

I am really surprized, my Lords, to hear it represented as impossible for us to turn the Ships in any of the Harbours of *Spain*. I have seen Plans of most of their Harbours: I have seen in particular several Plans of the City and Harbour of *Cadiz*; and according to them, according to all Accounts I have had, it may, in some Measure, be called an open Harbour: The Entrance at the *Puntals*; which is the narrowest Part, is above a Mile from Land to Land, so that it is impossible to secure it by a Boom: They have no other Way to prevent our entering it, but by sinking Ships in the Channel; and this they will never do, unless they have certain Information of our Design, as they had in the late Queen's Time. They have, indeed, two Castles upon the North, and one upon the South Side of the *Puntals*; but Experience has taught us, what a vain Defence Castles are against Ships of War, especially when they have nothing to do but to pass by, and need not come within Half a Mile of the Castle; and within the *Puntals* there is a large open Bay without one Castle to annoy the Ships that are in it; from all which I must suppose, that if Admiral *Haddock* had been properly provided, he might have burnt or taken all the Ships in the Harbour of *Cadiz*, which

Anno 14. Geo. II.

1740.



Annor 4. Geo. II.
1740.

would have effectually prevented their Squadron sailing to *Ferrol* or the *West-Indies*. Then as to the Harbours of *Ferrol* and *Vigo*, the only two I can at present think of, that are, or may be defended by Booms, our successful Attack upon *Vigo*, in the late Queen's Time, shews how vain this Defence is against the Royal Navy of *England*, when our Admirals are furnished with proper Instructions.

With regard to our making Invasions or Descents upon the open Coast of *Spain*, the noble Duke was pleased to talk of the Militia of *Spain*, and to compare them with the Militia of this Kingdom. My Lords, they have no such Thing as Militia in *Spain*; and their People have been so long disused to Arms, and so long cowed and terrified by standing Armies, that they dare not look an Enemy in the Face. Thank God! this is not as yet the Case with the People of this Kingdom, tho' I do not know how soon it may be so, if we continue to neglect our Militia as much, and keep up such numerous standing Armies, as we have done of late Years.

But, my Lords, there is another very material Difference between our making an Invasion upon *Spain*, and their making an Invasion upon us: As we are superior at Sea, the Troops we land upon them may secure themselves by retiring to their Ships, and reembarking, as soon as a superior Force, either of regular Forces or Militia, comes against them; but if they should land any Troops in this Island, or *Ireland*, they must either conquer the Kingdom, or die; for they will soon have no Ships to retire to; and the Fate of the *Spanish* Troops that landed, or were forced ashore, in *Ireland*, after the Defeat of their invincible *Armado*, as they called it, will for ever prevent any *Spanish* Troops being fond of landing in our Dominions; for tho' the putting of those poor Men all to the Sword, was a Precedent I shall not recommend; yet it will shew to all Foreigners, that unless they can conquer us, it is extremely dangerous to land amongst us: As they can have no Retreat, whilst we are Masters at Sea, their Lives must depend upon the Lenity of our Government.

The noble Duke observed very justly, that nothing can make us act with more Vigour than we are Masters of; that if we act with Vigour in one Place, we must abate of, our Vigour in every other; and that therefore, it was the Height of Wisdom in us, to resolve to act upon the Defensive in *Europe*, in order to act with the more Vigour upon the Offensive in the *West-Indies*. My Lords, I shall allow, that these two Premises are right, but in order to make the Conclusion proper and just, there should have been another,
which

which is this, that the Squadrons and Armies we are to keep up for our Defence, can never be employed for acting upon the Offensive in *Europe*; and this I can by no means grant. If we had sent a Body of 8 or 10,000 of that Army which is thought necessary for our Defence at home, to invest and make Inroads upon the Coasts of *Spain*, and to assist in burning the Ships in their Harbours, as it would have been, nevertheless, upon a Fortnight's Call, ready to be transported to any Part of the Island where there was at most Occasion for it, it would have served for our Defence home equally as well, nay, better than by being encamped at *Hounslow*, or any other Heath in the Kingdom. If Admiral *Haddock's* Squadron had been employed in making Descents upon the Coasts of *Spain* in the *Mediterranean* or about *Cadix*, and burning the Ships in those Harbours, would our Possessions of *Gibraltar* or *Portmahon* have been less secure, than by his remaining idle and inactive in those Seas? If our *Spithead* Squadron had been sent out to burn the *Spanish* Privateers at *St. Sebastian's*, or their Squadrons at *Ferrol*, or *St. Andero*, should not we have been fully as secure against an Invasion, as we were by their lying idle at *Spithead* or *Portsmouth*? Our Inaction in *Europe* is not therefore owing to those who opposed our keeping up unnecessary, expensive, oppressive, and dangerous Armies in Time of Peace, but to those who do not know how to make the proper Use, either of Armies or Squadrons, in Time of War.

I must therefore conclude, my Lords, that if Admiral *Haddock* has had no Instructions to act in an offensive Manner against the *Spaniards* in *Europe*, or if he has been tied up by his Instructions not to make any Attempt against them at Land, which I believe to have been the Case, those who gave him such defective, or such restraining Instructions, ought to be censured, if not punished; and, consequently, that we ought for this Purpose to have his Instructions laid before us. But suppose it could be said, that we could find no Fault with his not having had Instructions to act upon the Offensive: Suppose we could find no Fault with his having had nothing in Charge, but that of protecting our Trade and Possessions in that part of the World, and preventing the *Spaniards* from sending Supplies or Reinforcements to their Settlements in *America*: Can it be said, that these Services have been punctually and faithfully performed? Our Possessions in the *Mediterranean*, my Lords, protect themselves, and cannot be taken from us, but by Treachery, whilst we are superior at Sea; but our Trade, even in the *Mediterranean*, has suffered a great deal more than could have been expected from such an indolent, and such

Anno 14. Geo. II.

1740.



an impotent Enemy : It could not have suffered so much, if Admiral *Haddock* had been either properly provided, or properly instructed for its Defence ; for, considering his Character, I cannot impute it to his Imprudence or Neglect. And as to the Enemy's sending Supplies and Reinforcements to the *West-Indies*, they seem to have had a Permission to do so : If their Squadron had escaped from *Cadiz* or *Ferrol*, immediately after a Storm, which had drove our Squadrons and Cruisers into Port ; or in the Depth of Winter, when it was not safe for our Squadrons or Cruisers to be in the open Seas, there might have been some Excuse for its escaping, but neither of these was the Case : The *Spanish* Squadron sailed from *Cadiz* about the End of *March*, when there had been no remarkable Storm at Sea for some Time before ; but Admiral *Haddock* had been sent upon a wild-goose Chace up the *Mediterranean*, and a Squadron left at *Gibraltar*, without any Orders, it seems, to keep an Eye towards *Cadiz*. And this very Squadron sailed again from *Ferrol* about the End of *July*, without our having so much as attempted to attack them in that Port, without our having any Squadron to intercept them or follow them, as soon as they sailed out of Port, and without our having a sufficient Squadron to way-lay them in the *American* Seas.

Surely, my Lords, there must be some Neglect, or some Oversight, if not worse, in this Management. To tell us, by Way of Excuse, that Admiral *Haddock* sailed up the *Mediterranean* to protect *Minorca*, or that an Accident happened with regard to any Orders sent to him : This is the very Thing complained of : It is the very Thing we ought to enquire into ; because if he had been properly instructed, he would not have sailed up the *Mediterranean* with his Squadron : He would have sent only four or five Ships there for protecting *Minorca* ; and if he had been at first properly instructed, there would have been no Occasion for fresh Orders, and, consequently, no Accident could have happened with regard to them.

If to save the public Money, sufficient Armies had not been raised, or a sufficient Number of Ships had not been put in Commission, there would have been some Excuse. But the Nation has been put to the Expence of raising and maintaining Armies sufficient for any Expedition we could reasonably undertake, and of fitting out Squadrons more than sufficient for all the Purposes we had Occasion for. We have spared no Expence in warlike Preparations : Like a true Poltron, we prepared a long Sword, but have been so careful of our Defence at Home, that we have never once dared to make a bold and vigorous Push against the Enemy, either

in

in *Europe* or *America*. Even the Armament now sent, I suppose, to the *West-Indies*, I can expect no great Success from, considering the Time and the Opportunities the Enemy have had to prepare for their Defence, the Troops we have employed upon that Expedition, and several other bad Omens, which have been observed almost by every Man in the Kingdom.

Anno 14. Geo. II.
1740.

I mention this, my Lords, because I think no Part of our late Conduct foreign to the present Debate. Every Error in our late Conduct is a corroborating Circumstance for prevailing with us to agree to this Motion: It is an Argument for our beginning to exert ourselves in our high Capacity of hereditary great Council of the Crown, and consequently it is an Argument for our calling for every Paper necessary for our Information. Our beginning the War by the Method of Reprisals was, for the same Reason, most properly introduced by the noble Lord who made you this Motion. We had then, we have had subsisting for almost this twenty Years, a most just Reason for declaring War against *Spain*. The Pretensions in Dispute between us are such, on our Side, as cannot be allowed to lie dormant: We must navigate in the *American* Seas; we must cut Logwood in the Bay of *Campeachey*; we must gather Salt in the Island of *Tortugas*: It does not indeed signify much, whether the *Spaniards* expressly give these Rights up by Treaty, because we find they have no Regard to Treaties; but as soon as they began to interrupt us, we ought to have declared War; and since they are not, we find, to be bound by Treaty, we ought now to take or insist upon a real Security.

The Danger of *Spain's* being assisted by any Neighbouring Power, or the Danger of our being involv'd in a War with *Spain*, when our Rivals in Trade were at Liberty to pursue their Trade without Interruption, was so far from being a Reason for our continuing our tedious Negotiations, that it ought to have made us neglect no Opportunity of putting an End to them by a Declaration of War, when we found ourselves in such Circumstances, as not to be exposed to these Dangers. By the Behaviour of the *Spaniards* soon after the Treaty in 1721, we might have foreseen, that it would be at last absolutely necessary for us to beat them into good Manners; and can it be said, that since that Time we have had no Opportunity of attacking *Spain*, when we knew, that no neighbouring Power could assist her; or when we knew, that our chief Rival in Trade could not pursue her Trade without Interruption? My Lords, we let slip several excellent Opportunities for doing ourselves Justice against *Spain*, and by that Means we

were

Anno 14. Geo. II. were forced by a fatal Necessity, to have Recourse to Arms
 1740. at the most inconvenient Time we could chuse for that

Purpose; and what was still worse, when we found ourselves reduced to this fatal Necessity, instead of beginning the War with Vigour, and obtaining some signal Advantage over the Enemy, before they could prepare for their Defence, and before any neighbouring Power could give them Assistance, we began it in a Method from which we could not so much as hope for any Advantage, a Method which could serve for nothing but giving the Enemy timely Notice to prepare for their Defence, and their Friends timely Notice to prepare for their Assistance.

If such Management does not make your Lordships think, that it is now high Time for you to interpose with your Advice to your Sovereign, and for that Purpose, to call for all Papers necessary for your Information, I am afraid, no Sort of Management ever will; and, therefore, I shall conclude with this melancholy Observation, That, if this Motion is not agreed to, it will, I am afraid, be too generally thought, that the King can never expect any Benefit from your Advice, the Nation can never expect any Relief from your Enquiry. You may hereafter give Advice, but that Advice will, without Doors, be supposed to be such as is prescribed by the Minister: You may hereafter enquire, but that Enquiry will be supposed to be such as is directed by the Minister: This is what I dread; and therefore, to prevent, as far as I can, an Opinion so unworthy of this House, from gaining any Ground without Doors, I shall most heartily concur in this Motion.

The Earl of *Chalmersdaley*.

My Lords,

Earl of *Chester-
mondeley*.

The chief Question in this Debate, as it must be in all Debates of the same Nature, is, Whether it would be proper, in the Heat of a War, to lay before this House, or even a secret Committee appointed by this House, all the Secrets that relate to the Conduct of the War; and this Question must, I think, be determined in the Negative, if we have any Regard to the Example of all the great Princes, Generals, or Ministers, that ever were in this or any other Country. I am not to impeach or doubt of the Fidelity or Secrecy of any Lord, or of any Number of Lords of this House; but I may say, it has always been look'd on, as an establish'd Maxim, that the fewer a Secret of Importance is communicated to, the safer it will be kept. An Affair of this Kind may, perhaps, be as safely committed to a secret Committee of this House, as to his Majesty's Cabinet Council; but how are we sure, that Admiral *Haddock's* Instructions have been communicated to his Majesty's Cabinet-Council?

Council? From what happened in a late Debate, we are, I think, to presume they have not; for two noble Lords, who were both of his Majesty's Cabinet Council, then declared, they had not seen Admiral *Vernon's* Instructions; and his Majesty may, I think, very probably, because very wisely, have resolved to keep Mr. *Haddock's* Instructions as private as he did Mr. *Vernon's*. We are not to suppose, that his Majesty's having taken such a Resolution, proceeded from any Diffidence in either of these two noble Lords, but from a Maxim laid down by all wise Princes, that an Affair which is designed to be kept as a Secret, ought not unnecessarily to be communicated to any one Person whatsoever.

Annot. 14. Geo. II.

1740.

The noble Lord said, he could not suggest to himself any Secret that could be contained in Admiral *Haddock's* Instructions, relating to the protecting of our Trade or Possessions in the *Mediterranean*. My Lords, I think, it is very easy to suggest several such Secrets: We may suggest to ourselves, nay, I think, it is highly reasonable to suppose, he has Directions how to apply for getting secret Intelligence of all the Schemes and Designs formed by the Enemy, for annoying either our Trade or Possessions in that Part of the World. These Directions may contain the Names of the Persons he is to apply to, and the Methods by which he is to carry on a Correspondence with them; and if he has any such Directions, I am sure, it would be very imprudent in us to do any Thing that might possibly occasion a Discovery.

Suppose, my Lords, we should appoint a secret Committee; if that Committee should consist of such Lords, as are known Friends to the Administration, their Report would give no Satisfaction to those that complain of our Conduct, nor would it any Way tend to remove the Suspicions that are said to be without Doors; and if that Committee should consist of such as are supposed to be no Friends to the Administration, I shall be far from saying, that any of them would, out of Hatred or Envy to our Ministers, discover the Secrets of our Government to the Enemy; but if those Secrets should afterwards be found to have been discovered, it would bring them under a very great Suspicion.

Besides this, my Lords, we should consider, that whatever we do in such a Case, would be a Precedent, which the other House would certainly follow: They would likewise appoint a secret Committee, and in Imitation of ours, that Committee would probably consist of those that were known to be the greatest Enemies to the Administration: They would insist upon all those Papers being laid before their Committee, that had been laid before the Committee of this House. His Majesty would be obliged to comply with their Request; and this might be of the most dangerous

Consequence

Anno 14. Geo. II. Consequence in our present Circumstances. We may answer for the Members of our own House; we may assure

1740.



ourselves, that none of them would give such Scope to their Resentment, as, out of Envy or Hatred to our Ministers, to betray the Secrets of our Government; but I am sure, I shall not, I do not believe any of your Lordships will, answer for all the Members of the other House. The Passions of some Men are so violent, that the Safety, Success, or Prosperity of their Country is but a slender Barrier, when they have an Opportunity of satisfying their Resentment or Revenge, by breaking through that Barrier. Therefore, however safely the Secrets of the Government may be committed to a few Members of this House, I shall be against our making a Precedent for the other House's insisting upon the same Confidence, unless I hear better Reasons than have as yet been urged in Favour of this Motion.

My Lords, it is much easier to criticize and find fault with a good Poem, than to write as good a one; so, I believe, it is much easier to find fault with the Conduct of the present War, than to conduct it in as cautious, wise, and successful a Manner as it has been. We have not, 'tis true, as yet made any Conquests upon the Enemy; but the Reason assigned is, I think, a good Reason: We were, according to all the Rules of Prudence, obliged to provide for our Defence at Home, before we could think of attacking the Enemy Abroad; and our having carefully done so, is the Reason, that we now only hear of the War: If we had done otherwise, we should, probably before now, have seen and felt it: If we had not kept a good Army in continual Readiness at Home; if we had not kept a good Squadron in continual Readiness in the Channel, we should, perhaps before now, have had a more potent Enemy to deal with; and, instead of debating here about Matters which I cannot think of any great Moment, we should have been in the Field fighting for our Liberties, our Properties, our Religion, and every Thing that is dear to Mankind; for if by the Neglect or Imprudence of our Ministers, a foreign Army had been landed amongst us, I am convinced, every Lay-Lord in this House would willingly have taken up Arms in Defence of his King and Country: Nay, I believe, some of the Reverend Bench would have followed the Example of their Predecessors, when they found, that their Religion was on longer to be defended by the Pen, but by the Sword.

We know, my Lords, the Enemy cannot support the Charge of their Government, much less the Charge of the War, without a frequent Intercourse with their Settlements in *America*: If we can prevent that Intercourse, or frequently intercept their Returns from thence, they will soon be forced

forced to make Peace, because it will no longer be in their Power to make War. I cannot therefore be of Opinion, that we ought to be rash in making either our Soldiers or our Ships run their Heads against Stone-Walls, especially in *Europe*, where it would be ridiculous in us to think of keeping Possession of any Town or Harbour, after we have taken it. But if our attacking *Spain* in *Europe* had been absolutely necessary, or if it had been the most proper and certain Way of putting an End to the War, it would have been Madness in us to have exposed ourselves to the Danger of being invaded at home, for the Sake of burning a few Ships, or plundering a few Country Villages in *Spain*, especially considering what a Combustion would have been raised amongst us by the landing of a few regular Troops; for they would certainly have been joined by all the Disaffected, whose Numbers are not, I believe, so despicable as some People represent. This I say, I believe; and I believe it, because it is now become a common Practice for People to cloak their Disaffection under the specious Pretence of being discontented with the Conduct of our public Affairs; but if they saw a fair Opportunity, they would throw off all Disguise, and the Motives of their Opposition to our Administration would then appear in their true Colours.

I must therefore be of Opinion, my Lords, that if Admiral *Haddock's* Instructions were laid before us, and it should from thence appear, he had no Orders to attempt any thing against *Spain* by Land, we could not upon that Account make any Objection to them. And if his Orders were only to protect our Trade and Possessions in the *Mediterranean*, and prevent, as much as possible, the Enemy's sending any Supplies to their Settlements in *America*, or receiving any from thence, I think there has been no such Misconduct in either of these Particulars, as should prevail with your Lordships to make an Enquiry into it, at the Risk of preventing all future Success in that Part of the World, by a Discovery of those Schemes that may have been concerted, and communicated to that Admiral for obtaining it. Some of our Merchant-Ships have, 'tis true, been taken, even in the *Mediterranean*, but this it is impossible to prevent, whilst they venture to sail without Convoy; and this they will do so long as there is an Insurance-Office in *England*; for tho' such Offices be a great Convenience to Trade, yet, I am convinced, it is the Occasion of many more of our Ships being taken than otherwise would, because it encourages our Merchant-Ships to sail without Convoy; and as it is impossible to clear the Seas entirely of Privateers, if you had twenty times the Number of Cruisers you have

1740.

Anno 14. Geo. II. now at Sea, some of those Merchant-Ships that do venture to sail without Convoy, must necessarily be taken.

1740.

With regard, my Lords, to the Escape of the *Spanish* Squadron from *Cadix*, if I have been rightly informed, it was entirely owing to an accidental Mistake as to the Orders that were sent to our Admirals; and that such a Thing should happen, I am not at all surprized; for our Sea-Commanders are bound to follow their Orders so strictly and so literally, that it is extremely dangerous to depart from them in the least Article, even when they see, that by by so doing, they may do some singular Piece of Service to their Country. A famous Historian has told us, that Sir *George Rook* reprimanded one of our Captains very severely for departing from his Orders, tho' by so doing he, in a manner, saved the Fleet of *England*, then under the Command of that Admiral. This makes it impossible to give such Orders or Instructions at first, as to require no new Explanation, when Circumstances alter, or fresh Advices arrive; and tho' *Gibraltar* may perhaps be secure, without having a superior Squadron always at hand, yet no one will say, that *Minorca* is so. That Island lies open to an Attack, and if an Army should be once landed upon any Part of the Island, a Squadron could not then prevent *Portmahon*, and, consequently, the Island's being taken from us. We must therefore, prevent its being possible to land an Army on the Island; and four or five Ships would not have been sufficient for this Purpose, because they could not spread so as to prevent the Enemy's stealing by them in the Night-time. Besides, we were not absolutely secure against a neighbouring Power's taking Part with *Spain*; and their Squadron might have sailed out, and might have convoyed the *Spanish* Fleet to *Minorca*, before our Squadron at *Gibraltar*, or before *Cadix*, could prevent it.

The Escape of the *Spanish* Squadron from *Cadix* was not, therefore, owing to Neglect or Misconduct, but to an Accident which no human Power could prevent; and its Safety at *Ferrol*, as well as its Escape from thence, was, I believe, owing to another Accident of the same Nature. Nay, this I am so fully convinced of, that I am surprized to hear our Conduct in that Particular found Fault with, by any one who considers how long Sir *John Norris*, with a powerful Squadron, (which was certainly designed for something) was detained in the Channel by contrary Winds.

For these Reasons, my Lords, I cannot see so much as the Appearance of any Misconduct; and without some such Appearance, I can see no Reason for your enquiring into the late Conduct of our public Affairs, and, consequently, no Reason for your calling for the Papers now moved for.

The

The Duke of Argyll.

My Lords,

Anno 14. Geo. II.

1740.

Duke of Argyll.

Whatever may be the Question in this Debate, it is evident, from the Opposition made to this Motion, and a great many others of the same Nature, that there is now a much greater Confidence placed in Ministers than formerly. We seem now to form our Opinions of the Conduct of public Affairs by a sort of Faith, and not from Examination or Conviction: Nay, we seem resolved never to examine into the Conduct of any public Affair, let the Appearances of Misconduct be ever so glaring; and if Posterity should put as much Faith in the Wisdom and Uprightness of Ministers, as we in this Age seem to do; if our Successors here should allow themselves to be governed by the Maxims now laid down for our Conduct in this House, I am sure, there will be an End of all public Enquiries, and consequently of all Parliamentary Censures or Punishments; unless, when the Minister gives us Leave, or perhaps Directions, to enquire into the Conduct of some unlucky Wretch, who has happened to outlive the Royal or the Ministerial Favour.

How we in this Age come to have so much political Faith, for I do not think we have improved much in our religious, I shall not pretend to account for; but with regard to this Sort of Faith, I am afraid, my Lords, lest, in a short Time, we adopt the ancient, religious Maxim, *Credo quia impossibile est*; I believe the Minister to be wise and upright, because it is impossible he should be so; which may be the Case; for when the Affairs of a rich, powerful, and flourishing Nation have, in a short Tract of Years, been brought into the utmost Confusion, its Revenues wasted or anticipated, its Trade diminished and oppressed, its People rendered uneasy and discontented, its Allies deserted, and its Honour insulted, and all this without any signal Misfortune or visible Cause, it is hardly possible its Minister should be wise and upright; and yet a Gentleman far gone in our modern political Faith may assign these very Effects, as Arguments for his believing the Minister's Councils to have been prudent and upright.

I confess, my Lords, it is very hard to account for this most extraordinary Sort of Faith; but thank God! whatever it may do within, it does not as yet prevail much without Doors, and its having of late Years prevailed so much within, may perhaps proceed from our having been so long without making a strict Enquiry into the Conduct of any Minister; for a Chief or a Prime Minister stands in so elevated a Station, that many are dazzled with the Lustre of his Character; but when he is once brought to the Bar of this House, that Lustre generally appears to be nothing but Tinsel, and

Anno 14. Geo. II.
1740.

the Stuff and Ground-work then appears to be black and horrid. This, I say, my Lords, is generally the Case, when a Minister's Conduct is fairly brought under the Examination of this House; but this can never happen in time to come, if the only Argument made use of against this Motion be allowed to have any Weight. It is very certain, we can never pretend to examine the Conduct of any public Affair, without seeing and examining all the public Papers relating not only to that Affair, but to every other public Affair that has any Connection with it; and if it should be received as a Maxim for our Conduct in this House, that we must never call for any Papers, when the Minister or his Friends insinuate, that they contain important Secrets of State, a Discovery whereof would be of infinite Prejudice to the Public, it is equally certain, that the Minister will always make use of this Pretence, when he is conscious, that his Conduct has been such as cannot bear the Light. The Consequence is, that we must never enquire, but when the Minister has a Mind we should; and the Consequence of this again is, that we must be the farthest from enquiring, when there is the greatest Occasion for an Enquiry; when, perhaps, the very Being of the Nation depends upon a strict and impartial Parliamentary Enquiry.

I shall grant my Lords, that an important Secret will always be the more safely kept, the fewer it is communicated to; and I shall likewise grant, that our calling for Papers of any Kind might, probably, give Occasion to the other House's calling for the same: Nay, I shall grant farther, that if any of those Papers contained important Secrets of State, such Secrets might thereby come to be discovered; but, I hope, it will not be said, that they would certainly be discovered, and I am very far from thinking there would be any great Danger of such a Discovery. However, let the Danger of a Discovery be never so great, does not every one see, that this Case, like most other Cases in Politics, is attended with Inconveniencies of both Sides, and we must, as in all other Cases of the same Nature, chuse that Side where the Inconveniencies are the least or the fewest. To say, that this House must never call for any Papers, which may possibly contain Secrets of State, and consequently must never enquire into the Conduct of any public Affair, would be a direct and an immediate Overthrow of our happy Constitution: On the other hand, to say, that this House may call for all Papers necessary for our Information, even tho' they be such as may contain Secrets of State, is attended with this Inconvenience, that the Secrets of our Government may thereby, peradventure, be sometimes discovered. Does not every one of your Lordships see the Difference between the Inconveniencies attending

attending these two Maxims? By the former, we subject our-
 selves to a certain Evil, and one of the greatest Evils that
 can befall us: By the latter we subject ourselves only to a
 Danger, and that Danger is such a one as may, from former
 Experience, be justly called chimerical; because, tho' this
 Maxim has obtained from the very Beginning of our Con-
 stitution, till within these last twenty Years, and tho' in Pur-
 suance of this Maxim many Papers of State have been called
 for, and laid before this or the other House of Parliament,
 some of which must be supposed to have contained Secrets of
 the utmost Importance, yet no Secret of State was ever
 thereby discovered; at least it does not appear, so far as I
 can recollect, that ever the Nation suffered by any such Dis-
 covery. Can it therefore admit of a Doubt, which of these
 Maxims ought to be established? And if the latter is to take
 Place in all our Deliberations, I hope I shall hear no more
 of the Secrets that may possibly be discovered by our calling
 for Papers, which we think necessary for our Information,
 in order to enable us to enquire into the late Conduct of our
 public Affairs.

Anno 14. Geo. II.
 1740.

Your Lordships, I hope, will now see the Question that
 is really before you. It is not, whether it would be proper
 to lay before a select Committee of this House, all the Se-
 crets that relate to the Conduct of the War; but whether
 you ought in this Session of Parliament to enter upon an
 Enquiry into the Conduct of the War; and when I consider
 the Honour and Sincerity of those Lords that have declared
 their Readiness to enter into such Enquiry, together with the
 Weight they so deservedly bear in this House, I cannot
 suppose, that such a Question will admit of any Dispute.
 But lest a Scruple should remain with any noble Lord, whe-
 ther or no we ought now to enter upon such an Enquiry,
 I shall beg Leave to state the usual Causes of an Enquiry,
 and the Intentions with which it ought to be undertaken
 and proceeded on. With regard to the Causes, my Lords,
 we must carefully distinguish between an Enquiry, and a
 direct Impeachment or Accusation; for tho' Impeachments
 generally come from the other House, yet your Lordships all
 know, that any one of you has a Right to rise up in his
 Place and impeach any Man concerned in the Administra-
 tion, or any Lord in this House, of High Treason, or high
 Crimes and Misdemeanors; but such an Accusation must al-
 ways be founded upon some particular Facts then set forth,
 and Proof offered to be produced. This, I say, my Lords,
 is the Case, with regard to a direct Impeachment or Ac-
 cusation, but then with regard to an Enquiry, it is always
 founded upon general Murmurs, general Surmises, or the
 general

Annor 4. Geo. II.
1740.



general Appearance of Things. When the People in general murmur against the Measures of an Administration, or when the Affairs of the Nation seem, without any visible Cause, to be in a bad Situation, or when any particular Affair seems to have been miscondacted or neglected, there is in every one of these Cases a sufficient Cause for a parliamentary Enquiry into the Conduct of our Ministers; and consequently, when these three concur, I will affirm, that whilst we sit here, we are deficient in our Duty to our Country, our Sovereign, and ourselves, if we do not enquire strictly and impartially into the Conduct of our public Affairs.

That this is the Case at present, must, I think, be granted by every Lord who knows any thing of the Temper of the People without doors, of the present melancholy State of Affairs both abroad and at home, or of what we might and ought to have done in the War we are now engaged in. The People, my Lords, have long murmured against the Measures of the Administration: They murmured against their Measures in Time of Peace; they now, with equal Reason, murmur against their Measures in Time of War; and as to the State of our Affairs both at home and abroad, I will venture to say, they were never in such an unlucky or dangerous Situation; for which I shall grant there may be several Causes assigned, but they are all such as have derived their Origin from the late weak Councils of this Nation. Then with respect to the War, it has, I think, been miscondacted or neglected in every Part of the World, and particularly in that Part which the Papers now called for relate to.

It is surprizing, my Lords, to consider, that this Nation has been put to the Expence of maintaining a powerful Squadron in the *Mediterranean* for two Years and a half, without attempting any thing against the Enemy. This Squadron, I know, was at first sent out upon that ridiculous Pretence of giving Weight to our Negotiations; and accordingly when the Convention was concluded, there were Orders sent for its returning home; but when our Ministers saw the Reception their Convention met with from the Nation in general, they thought it necessary for their own Safety to countermand those Orders; yet still our Squadron was to lie there as an useless Burden upon this Nation, and a harmless Neighbour to *Spain*; and thus it continued even after our Declaration of War; for, except the taking of two or three Ships, and a few Barks, that Squadron has done no manner of Hurt to the Enemy, nor so much as attempted to do them any manner of Hurt.

This surprizing Inactivity, my Lords, cannot be imputed to the Gentleman who commands that Squadron. From the known Character of Admiral *Haddock* we must suppose, not only that he had no Orders to make any Attempt against the Enemy at Land, but that he had express Orders to the contrary; for tho' he was not provided with a proper Force for acting offensively, yet he might have done something with his Ships and Seamen alone, and without any Land-Force. Had he, indeed, been provided with but 1500 Land-Forces, he might have landed and laid waste many Parts of the open Country, and would have kept the whole Coasts of *Spain* in a continual Terror, which would have contributed towards retrieving our Character abroad, and towards making the Enemy soon tired of the War. But instead of this, we have never yet sent any Force to that Admiral, for enabling him to undertake any Expedition against the Enemy; and how can we suppose, that he has Orders for undertaking any secret Expedition, when he is no way provided with what is necessary for that Purpose?

Ann^o 14. Geo. 1st.
1740.

My Lords, I am from hence fully convinced, that, if Admiral *Haddock's* Instructions were not communicated to his Majesty's Cabinet-Council, it was not because of the Danger of their being discovered to the Enemy, but because of the Danger of their being discovered to this House, or, perhaps, disapproved of by a Majority of those who had the Honour to be of his Majesty's Council; for we are not to suppose, that every public Measure is approved of by them, because we have sometimes in this Nation a Cabinet-Council above that of the King's, in Power, tho' not in Character. Whilst the Duke of *Buckingham* was Prime Minister to King *Charles I.* he had a Cabinet-Council of his own, a select Number of his own Creatures and Tools, where every thing was resolved on before its being laid before the King's Cabinet-Council. It was brought there only for Form's Sake, and Care was taken not to have any one there, that would seriously and stedfastly dare to oppose any thing that had been resolved on by the Cabinet-Council of the Prime Minister.

I know, my Lords, I do not speak properly, when, in talking of what happened in King *Charles I's* Time, I make use of the Term Cabinet-Council, because it is a Term of a much later Date; for in these Days, besides this House, the King had no other Council, but that which we still call the Privy Council, and of that Council there was always a Committee appointed to consider and take Care of foreign Affairs; but the Resolutions of that Committee were not carried into Execution, till they were approved of by the Privy Council: In that Council there then sat several great Officers,

Anno 14. Geo. II.

1740.

ficers, such as the Lord High Treasurer, the Lord High Admiral, and others, who by their Birth and Quality, as well as by the Importance of the Posts they enjoyed, added Weight and Dignity to the Council of which they were Members ; but these high Offices are now split into Commissions, and sometimes granted to Men who have neither Birth, Quality, nor Character, which is not done for the Sake of dispatching Business, (for every one knows, the whole Business of the Office is now chiefly directed by one, in the same Manner it was formerly) but for the Sake of multiplying Salaries and gaining Votes. This has very much derogated from the Authority of that Assembly, and is, I believe, the chief Cause of their Power being now almost entirely usurped and exercised by what is called the Cabinet-Council ; but even what we now call the Cabinet-Council has not always the Power or Influence they seem to have ; for when any one Minister happens to get the sole Direction of all public Affairs, the other Members of the Cabinet-Council, or at least the Majority of them, serve only to give a Sort of Authority to what the Minister has been pleased to resolve on.

Whether the Instructions given to Admiral *Haddock* were drawn up by the Advice of his Majesty's Cabinet-Council, or by the Advice of one sole Minister, I shall not determine ; but this I will say, it is impossible they can contain Secrets relating to any important Expedition against the Enemy, because he was not, nor is yet provided with a proper Force for such an Expedition ; and I think it hardly possible to suppose, they contain any Directions about secret Intelligence, or about carrying on a Correspondence with any Persons in *Spain* ; for, I think, it is plain, that neither our Ministers here, nor our Admiral there, had any secret Intelligence, otherwise the *Spanish* Squadron could never have made its Escape, first from *Cadix*, and next from *Ferrol*, without our having any Squadron in the Way to intercept it. I really do not know what the noble Lord meant by giving our Admiral Directions how to get Intelligence about the Enemy's Designs against our Possessions, or our Trade in the *Mediterranean*, because I cannot suggest to myself any Designs they could form against either, which might not have been easily prevented without our being at one Shilling Expence for secret Intelligence. With regard to *Gibraltar*, they could form no dangerous Design against it, because I really take it to be impregnable. There are but two Ways of taking it from us, that is, by Treachery or by Starving. Against the first, the most proper Way to provide, is by this House's having always a watchful and a strict Eye over the Conduct of our Ministers ; and against the last, we may easily

ly provide, for surely it is easy for us to have always three Anno 14. Geo. II.
or six Months Provisions in the Place, and in that Time we
shall always have an Opportunity to send a Squadron from 1740.
England for its Relief; for in order to take it by Starving, it
must be block'd up by Sea as well as by Land.

With regard to *Port-Mabon*, indeed, I shall grant it may
be taken by a Siege, if the Enemy should once land a suffi-
cient Army in the Island for that Purpose; but then, if we
have a Squadron in those Seas, they must send at once not
only Ammunition and all other Things necessary for the
Siege, but they must also send Provisions for subsisting their
Army during the Siege; for tho' their Army should by
Stealth, or by Accident, get into the Island, they could ex-
pect no Supply of Provisions after our Squadron came up to
prevent it. My Lords, if we consider these Difficulties: If
we consider that the *Spaniards* must land at least 10,000 Men
to conquer the Island of *Minorca*: That this Army must car-
ry every thing, even Provisions along with them: That
their Fleet for transporting this Army might be intercepted
in its Passage by our Men of War: That, even after their
landing, a brisk Attack from the Seamen of a powerful Squa-
dron, assisted by a Sally from the Garison, might ruin their
whole Army, and of Course make them all Prisoners of
War: I say, if we consider these Things, our Fears about
Minorca will appear as chimerical as our Fears of an Invasi-
on at home. This, indeed, has been the Bane of our Con-
duct during the whole Course of this War: By chimerical
Apprehensions and mere Phantoms, we have been diverted
from prosecuting the War in the Manner we ought to have
done. The *Spaniards*, I believe, were sensible of our Ti-
midity, or, perhaps, had Directions from hence: They
made a Feint as if they intended to invade us at home:
They made a Feint as if they intended to invade *Minorca*: I
have not so much as a Suspicion they were serious in either,
and yet in both they succeeded in what was their real View.
By the first they prevented our sending any Land-Force to the
West-Indies at the Beginning of the War: By the second they
drew our Squadron away from *Gibraltar*, and by that Means
their Squadron got safe from *Cadix*.

But suppose, my Lords, we had thought, that their De-
sign against *Minorca* was real, and suppose they had assem-
bled a sufficient Army in *Majorca*, with a Train of batter-
ing Cannon, Mortars, Bombs, Ammunition, and every Thing
necessary for a Siege, together with Provisions for subsisting
their Army during that Siege, which, I am sure, was very
far from being the Case, what Occasion had we to send our
chief

ANNO 14. GEO. II.
1740.

chief Admiral with a Squadron to prevent their Design? We knew, they had not so much as one Man of War to convoy their Transports; three or four Men of War therefore would have been sufficient to prevent their daring to put to Sea, or to disperse their Fleets of Transport, and sink or take a great many of them, if they did. To tell us, that a Fleet sufficient for transporting 10 or 12,000 Men might have stole by our Men of War in the Night-Time, or in a Fog, is very surprizing, especially as we knew the Port from which they were to sail, and the very Point to which they were to direct their Course; for the Island of *Minorca* may justly be called a Point in the Terms usual at Sea. Our Measures in the Prosecution of this War are really provoking; but I must say, my Lords, it is still more provoking, to hear such Arguments made use of in Vindication of such Measures.

Our chief Admiral being thus gone from *Gibraltar* as well as *Cadix*, and an inferior Admiral left there, we are next told, the *Cadix* Squadron escaped from thence to *Ferrol*, by an accidental Mistake with respect to some fresh Orders sent from hence. This, I know, my Lords, may very well be; for our Orders and Instructions are generally so perplex'd, that a Mistake may very probably happen. In *France*, their Orders to their Generals and Admirals are always so plain and explicit, that they cannot be misunderstood; but in this Country, our Orders to our Commanders, both by Sea and Land, are generally drawn up with a View to the Safety of our Ministers, let what will happen: For this Reason, some doubtful Expressions are usually made use of, or such as will bear a double Meaning. If our Commander succeeds in any Expedition, our Ministers then plume themselves in the Success; it was owing to the Wisdom of their Instructions; but if our Commander fails in the Attempt, our Ministers then cry, he mistook his Orders, tho' the ill Success was perhaps entirely owing to some Blunder or Failure on their Part. This was the Case, I believe, with regard to Admiral *Vernon*; I believe his Orders were very ambiguous; even he himself seemed to think so: Had he failed in his Attempt upon *Porto Bello*, our Ministers, I am convinced, would have accused him of a rash Mistake, and would have denied their having given him Orders to make any such Attempt, though, if he had failed, his ill Success would certainly have been owing to their not having provided him with a proper Force. This is now the Case with regard to Admiral *Haddock*: The *Spanish* Squadron made their Escape, and therefore, this Escape must now be imputed to an accidental

dental Mistake with respect to Orders. My Lords, if there was any Mistake, let us see where that Mistake lies; let us see whether it was not a Mistake, that can admit of no Excuse. If it was, I am convinced, it was not the Admiral's; for Admiral *Haddock* is known to be so much Master of his Business, that he could not be guilty of a gross Mistake; and as little can it be suspected to have been the Mistake of the other Admiral left at *Gibraltar*, whose Experience and Conduct have, upon former Occasions, been sufficiently manifested.

Anno 14. Geo. II.
1740.

As for what has been mentioned in relation to Admiral *Rook*, we know, my Lords, the History from which it was taken. It is a Story of Bishop *Burnet's* in his History of his own Times, and those who have sat in this House with that Prelate must know, he was a very credulous, weak Man. I remember him, my Lords, in this House, and I likewise remember, that my Lord *Hallifax*, my Lord *Somers*, and his other Friends in the House, were always in a Terror when he rose up to speak, lest he should injure their Cause by some Blunder. With regard to what he says against Admiral *Rook*, I know I have heard it from those that were present, that the greatest Part of it is a downright Lie: The Bishop, it is well known, was no Friend to that Admiral; and therefore he easily gave Credit, as he generally did in like Cases, to every malicious Story he heard against him.

But this, my Lords, does not signify much with respect to the Question now before us: I took notice of it only in order to vindicate that Admiral's Character from the malicious Stories the Bishop has recorded against him. I wish we had prosecuted this War with as much Wisdom and Vigour as we did the War we were engaged in, when that Admiral commanded our Squadrons. We then attack'd the Enemy both by Land and Sea; we attack'd them in every Part with Vigour, and generally with Success; we undertook many Expeditions; our Orders to our Admirals then certainly contained many important Secrets, yet, during the Continuance of that War, several Parliamentary Enquiries were set on Foot, both into the Conduct of particular Admirals, and into the Conduct of the Admiralty Board in general. For that Purpose, many Papers were called for, no Papers were ever refused that were called for, and yet we do not find, that any of the Secrets of our Government were ever thereby discovered to the Enemy. What then should make us so much afraid now of discovering the Secrets of our Government? Does this House, or does the other House now deserve less Confidence from our Ministers, than in the late War?

Anno 14. Geo. II.
1740.

War? My Lords, I am convinced, the Opposition to this and all such Motions does not proceed from any Apprehension, lest the Secrets of our Government should be discovered to the Enemy, but from an Apprehension, lest this House and the Nation should discover, that our Government have no Secrets relating to the Prosecution of the War, or perhaps that our Ministers have given such Orders, as must prevent its being prosecuted with Effect.

From what I have said, my Lords, there must, I think, arise some very strong Suspicions, that the War has been misconducted or neglected; and if this be a Motive for an Enquiry; if a most general Murmur among the People be a Motive for an Enquiry; if a most melancholy State of Affairs be a Motive for an Enquiry; if these three Motives united together can or ought to prevail with us to enquire into the late Conduct of our public Affairs; then, I say, it is now absolutely necessary for us to enter upon that Enquiry; and if this be necessary, there can be no Question about calling for the Papers now moved for, because whatever Secrets they may contain, we must have them, we must see them, we must examine them, either in the House, or by a Committee, before we can enter upon such an Enquiry. Therefore, if this Motion be disagreed to by a Majority, I shall conclude, that your Lordships are against any Enquiry, in which Case I shall condole with my Country upon the dismal Prospect of its Affairs; for, I think, it is evident, that our Operations of War are under the Influence of the same pusillanimous Spirit, which influenced our late Negotiations for Peace; and if your Lordships are resolved to allow the same Spirit to continue its baneful Influence, I shall expect to see the former as tedious and fruitless as the latter; but the Effects will be much more fatal; for during our peaceable Negotiation, the Nation was at no great extraordinary Expence, and our Trade suffered only in one Branch; but now the Nation is loaded with a monstrous Expence, and our Trade suffers in every Part, which must exhaust us so effectually, that in a short Time, instead of attacking the Enemy, we shall be in no Condition to defend ourselves.

This dismal Effect, I hope, your Lordships will endeavour to prevent: I hope you will, by a strict Enquiry, endeavour to remove that Influence which clogs the Wheels of all our warlike Operations; and this ought to be the chief Intention of your Enquiry. There may be some guilty Persons amongst us, but their Punishment is of little Consideration, when compared with the impending Ruin of the Nation: The averting of this ought to be our principal Aim; and for this Purpose,

Purpose, we ought to interpose with our most sincere Advice to our Sovereign, which we cannot pretend to do, without first making ourselves acquainted with the late Conduct, and the present State of our public Affairs. We have too long put an implicit Faith in the Conduct of our Ministers: The Effects may now convince us, we have been in the wrong. The dangerous State of the Affairs of *Europe*, the unlucky State of the Affairs of this Nation, must convince us, that if the late Conduct of our Minister has not been wicked, it has at least been unwise. For many Years he gave us a Sample of his Dexterity in managing foreign Negotiations; he has now given us a Sample of his Dexterity in managing a War: I do not think we have great Reason to applaud his Dexterity in either. By negotiating Alliances with all the Powers of *Europe* round, we at last left ourselves without one Friend or Ally in the World: By negotiating with *Spain* for a Peace, we blundered ourselves into a War: By an imprudent Prosecution of that War, we may blunder ourselves into inevitable Ruin. We are now upon the Brink of a Precipice: Shall we still keep our Eyes shut, and trust our Retreat to the Guidance of him, who inadvertently, I shall not say designedly, brought us into the Danger? I am sure, my Lords, I shall not, if I can by any means avoid it, and therefore I must be for agreeing with the noble Lord in his Motion.

The Lord Chancellor.

My Lords,

Though I may perhaps have a greater Confidence in Lord Chancellor the Conduct of our Ministers, than the noble Duke that ^{lor.} spoke last, yet I do not form my Opinion, in any Question of a political Nature, by a Sort of Faith, but by Enquiry and Conviction. If I allowed myself to be governed by a Faith in what any Man says, I am sure, with regard to my Opinion of the Conduct of the present War, I should as readily put a Faith in what the noble Duke says of it, as in what can be said of it by any other Man in the Kingdom; but in all Cases that come before this House, I think myself obliged, both in Honour and Conscience, to depend upon my own Judgment alone, weak as it is, and according to that to regulate my Behaviour here. It is, I confess, my Lords, a very great Misfortune to those concerned in the Administration, to have the noble Duke's Opinion against their Conduct in the War, because his Grace's Experience in military Affairs, and his Character in the World, must of course contribute a great deal towards giving People a Prejudice against the Measures

Anno 14. Geo. II. Measures of our Administration: But as every Lord in this
 1740. House is obliged carefully to guard against his being pre-

judiced by the Opinion of another, I have without Prejudice or Favour examined strictly, and considered maturely, every Step of our Conduct since the War began; and upon the nicest Scrutiny, I am fully convinced, that every Step we have taken was the most prudent that could be taken in the Circumstances we were then in, and that nothing has been omitted or neglected, which we could in Prudence, or with any View of Success, resolve to undertake. This, my Lords, is my Opinion, and, I believe, it would be thoroughly confirmed by an impartial Enquiry into the Conduct of our Ministers: By such an Enquiry they would be justified; but, my Lords, by such an Enquiry at this Time, the Nation might, probably, be ruined; and therefore, though I shall be as ready as any Lord in this House to enter upon an Enquiry, when a seasonable Opportunity offers, yet at this Time I cannot help declaring against it.

The noble Duke was pleased to say, that in most Questions of a political Nature there are Inconveniencies of both Sides, and we ought to chuse that Side, which is attended with the least or the fewest Inconveniencies. I shall admit, that the Question now before us is a Question of this Nature: There is on each Side a Danger to be apprehended, and every Lord ought, I hope every Lord will chuse that Side, which he thinks least exposes the Nation to Danger. By having the Papers now moved for, laid before this House, it is granted by all, that we shall expose the Nation to the Danger of having its Secrets divulged to the Enemy: By refusing to call for these Papers, and consequently deferring an Enquiry into the Conduct of the War, it is said, by the Lords who spoke in Favour of this Motion, and by them only, that we shall expose the Nation to the Danger of having the War continued to be conducted by those, who have already shewn, that they have neither Wisdom, Skill, nor Courage, to conduct it in a proper and effectual Manner. Of these two Dangers I shall readily grant, that the last is the greatest; but I cannot agree with the noble Lords in thinking, that there is any such Danger; for if the War has hitherto been conducted with all possible Wisdom and Vigour, the Nation can then be exposed to no Danger, by having the future Conduct of it continued in the same Hands.

Thus your Lordships must see, that the Question now before us turns entirely upon the Opinion each Lord may form

form to himself of our past Conduct in the War. Those who think, that our Conduct hitherto has been excessively bad, will, I believe, give their Opinion upon the Affirmative Side of this Question ; and those who think otherwise, must certainly declare themselves for the Negative. But, my Lords, I must observe, that no Lord ought to declare for the Affirmative, unless he be fully and clearly convinced, that our Conduct has been excessively bad ; because this Question, if agreed to, will in its Consequences expose the Nation to two very great Dangers : One of the two I have mentioned already, which is that of having the Secrets of our Government disclosed to the Enemy : This Danger, whatever others may think, is, in my Opinion, almost unavoidable ; for I think, it is hardly possible to conceal what is communicated to two such numerous Assemblies, as this and the other House of Parliament ; and though we should both name select Committees, yet every thing must be communicated by that Committee to the whole House, that may be intended as a Foundation for the Opinion, Determination, or Resolution of the whole House ; for surely it could not be expected, that the House would, upon the Report, agree to the Resolutions of their Committee, without being made acquainted with every Fact, and seeing every Paper upon which those Resolutions were founded.

I do not at all wonder, my Lords, at our Historians not having complained of the Secrets of our Government having been discovered to the Enemy, or of the Nation's suffering by such Discoveries, because, though we have had many Parliamentary Enquiries, yet those Enquiries have generally been into the Conduct and Management of some particular Person, or of some particular Affair, and were never set on Foot, till the Affair was quite over, which was to be enquired into. Of this Nature were all the Enquiries during the Continuance of the two late Wars : That in relation to Admiral *Russel* was set on Foot at his own Desire, which he was prompted to by some Reflexions thrown out against his Conduct, upon the Motion for returning him Thanks. It related to a particular Affair only, and was not set on Foot till after the Affair was over ; so that if there were any Secrets in the Papers relating to it, they were such as could be of no Advantage to the Enemy, nor of any Prejudice to this Nation. That against Admiral *Rook* was likewise an Enquiry into a particular Affair, and into that particular Admiral's Conduct with regard to that Affair ; and it was not set on Foot, till long after the Affair was over. As to the general Enquiry that was made, during the last War, into the Conduct of the

Anno 14. Geo. II.

1740.

Anno 14. Geo. II. the Admiralty-Board, your Lordships all know, it was set on Foot on a Complaint of the Merchants against that Board, and it related only to the Measures they had taken for protecting our Trade by Cruisers and Convoys, which could contain no Secrets that could be of any Advantage to the Enemy, because the Measures taken for protecting our Trade must be in a perpetual Course of Fluctuation, according as Accidents happen, Occasions require, or Advices arrive.

1740.

From hence, my Lords, it is plain, that none of the Parliamentary Enquiries set on Foot during the Wars in King *William* and Queen *Anne's* Time, can be brought as a Precedent for the Enquiry now proposed; nor can it be said, that any of them were so much as liable to the Objection of being attended with the Danger of discovering the Secrets of our Government to the Enemy. But besides this, my Lords, an Enquiry into the late Conduct of our public Affairs would be attended with another Danger, which in its Consequences might be extremely pernicious to the Nation; I mean that of creating a Breach between his Majesty and his Parliament. We know how apt People are to find fault with those placed in Authority over them, and how ready they are to aggravate the inevitable Mistakes or human Frailties of a Minister: This is the Reason, that, when a Minister's Conduct comes under the Inquisition of Parliament, he seldom gets off without a Censure. Though our present Ministers are, I believe, as free from Faults as any Ministers ever were, yet one does not know, what might be the Consequence of a parliamentary Enquiry. With regard to some of them, the Enquiry might end in a Censure, and the Consequence of this would be an Address to his Majesty to remove them: Perhaps his Majesty might not be of the same Opinion with his Parliament; for, in this Case, I hope it will be allowed, he has a Right to judge for himself. Perhaps he might not think his Ministers deserved Censure, though his Parliament did; and if he thought so, he would probably refuse to remove them. On the other hand, the Parliament would probably insist upon their Request being complied with; and this might at last produce a total Breach between King and Parliament, which would be one of the most unlucky Accidents that could happen to this Nation in its present Circumstances.

Having thus, I hope, set in a clear and a true Light the Dangers that attend our enquiring into the late Conduct of our public Affairs, and calling for all the Papers, and all the Lights that may be necessary for that Purpose, I hope,

your Lordships will think, we ought not wantonly, and without a very sufficient Cause, to expose our Country to these Dangers; and therefore, I think, every Lord that is to give his Vote in Favour of this Question, ought to be fully convinced from his own Knowledge, and according to his own Judgment, that the War has been hitherto most egregiously ill conducted; and that it is impossible to expect any Success, whilst it remains under the same Sort of Management. As I have no Experience in warlike Affairs; as I know nothing of them, but what I have learned from Reading and Conversation, I shall not pretend to account for our not attempting to attack the Enemy at Land in Europe: All I can say is, that we never got much by any such Attack, and therefore, unless we could have expected to meet with the Plunder of some Galleons, as we did at *Vigo*, or some such Booty, I think no Advantage we could have proposed to reap by such an Attack, would have equalled the Risk and Expence. And as to the *West-Indies*, we have now sent a Force thither, from which we have all the Reason in the World to expect great national Advantages, and which will, I hope, soon compel the Enemy to submit to reasonable Terms. We might, perhaps, have done more against the Enemy, both in *Europe* and *America*, than we have done; but I am very sure, I cannot positively say so: This may, indeed, proceed from my Ignorance in warlike Affairs; but, my Lords, this very Ignorance is a good Reason for my giving my Negative to this Question, because neither I, nor any Lord in this House, ought to expose his Country to Dangers, which he clearly foresees, for the Sake of avoiding a Danger, which he cannot foresee or comprehend.

But, my Lords, tho' I have no Experience, and very little Knowledge in warlike Affairs, yet I have some Knowledge in History, and when I compare what has been done in the present War, with what was done in the former Wars which we have been engaged in against *Spain*, I cannot much complain of our Inaction either in *Europe* or *America*. In Queen *Elizabeth's* Time, tho' the War against *Spain* began in 1585, and lasted till that Queen's Death in 1603, which was 17 Years, yet in all that Time there were but three or four Expeditions of Consequence undertaken against the Enemy, either in *Spain* or the *Indies*; and tho' the private Adventurers got sometimes a rich Booty, yet the Nation never reaped any Advantage, nor kept Possession of any one Place they had the good Fortune to take. Again,

Annor 4. Geo. II.
1740.

Anno 14. Geo. II. in *Oliver Cromwell's* Time, tho' the War against Spain began in 1654, and continued till his Death in 1658, yet no

1740.

one Expedition was undertaken, or, I believe, so much as thought of, against any of the Dominions of *Spain*, except that one Expedition by which the War was begun, and by which we got and kept the Island of *Jamaica* in the *West-Indies*; so that in the main it cannot, I think, be said, that we have been less active in the present War, than we were in that begun by Queen *Elizabeth*, or in that begun by *Oliver Cromwell*; and, I believe, neither Queen *Elizabeth's* nor *Oliver Cromwell's* Government will be accused either of Want of Wisdom, or Want of Vigour.

I do not therefore think, my Lords, that there has been any such Misconduct or Negligence in the Prosecution of the War, as can afford any reasonable Cause for this House to set on Foot such a general Enquiry as seems to be the Intention of this Motion; and as to the other Causes mentioned by the noble Duke, for prevailing with us to enter upon such an Enquiry, they cannot, I think, when rightly considered, have any Weight. The present unlucky Situation of the Affairs of *Europe*, is evidently owing to the Death of the Emperor; and the Situation of our Affairs at home can no way be said to be unlucky, otherwise than as we may be involved in the Misfortunes that may result from that unlucky Accident. As for the Murmurs or Clamours without Doors, they can never of themselves be a sufficient Cause for an Enquiry, especially with regard to our Conduct in time of War; for in every War there will be such Murmurs. In the last glorious War, notwithstanding our repeated and continued Successes, there were Murmurs against the Conduct of the War, and those Murmurs were, I believe, as general as they are against our Conduct in the present. But, my Lords, when we talk of the Murmurs and Clamours without Doors, we ought to reflect on the many false, seditious, and scurrilous Libels that are daily published against his Majesty and his Government, as well as against the Measures of the Administration. It is to these chiefly, that all the Clamours and Discontents of the People are most properly to be imputed. By these Libels his Majesty's Government is traduced; and every Measure that can be pursued by the Administration misrepresented; and as the People are always more apt to find fault with, than to applaud or justify the Conduct of their Superiors, they swallow greedily, and believe implicitly, the Falshoods and Misrepresentations contained in these Libels, while at the same time they yield no Attention, or, perhaps,

perhaps, will not be at the Pains to peruse, what is wrote Anno 14. Geo. II
 in Favour of the Government of their Country. Therefore, 1740.
 if your Lordships have a Mind to enquire into any Thing,
 there is no Subject more proper or necessary for your Consideration,
 than an Enquiry into the Authors and Publishers of these Libels,
 and the most effectual Method for putting a Stop to this growing Evil.

Such an Enquiry as this, my Lords, could expose our Country to no Danger, but might lay a Foundation for our Tranquillity in all Time to come: Whereas an Enquiry into the Conduct of a War, *flagrante Bello*, must always be attended with great Danger, by rendering in a manner public, all the Measures that have been taken, and all the Measures that have been concerted, either for distressing the Enemy, or defending ourselves: Nor is it, my Lords, any way inconsistent with the Dignity of this Assembly to suppose, that what is once laid before us must soon be made public, especially whilst you admit so many Strangers to be present at all your Debates. This, my Lords, is really inconsistent with the Dignity of this Assembly: You depart from your antient Dignity, when you admit of such an Audience; and the Misfortune which necessarily attends it is, that what is said or done in this House, is too often made a Handle of, for inflaming the Minds of the People, and for raising those Clamours and Discontents without Doors, which are afterwards made use of as Arguments for influencing our Proceedings within; but such Arguments I shall never allow to have any Weight with me; and as they seem to be the chief Arguments in Favour of this Motion, I must therefore declare myself against it.

Earl of Chesterfield.

My Lords,

I differ so widely from the noble Lord that spoke last, in Earl of Chesterfield
 my Opinion about the Conduct of the present War, that, I think, without any Skill in military Affairs, and with but a very moderate Knowledge of History, or of the present State of this Nation and *Spain*, one may clearly see, that this War has been most weakly conducted in every Part; and the Enquiry intended by this Motion, I look on as an Enquiry into the worst-conducted Part of the worst-conducted War that was ever carried on by this Nation, or, I believe, by any other; for a Nation engaged in War generally exerts its utmost Strength, and if it does not attack the Enemy

Anno 14. Geo. II.

1740.

my with Vigour, it is because of its being so unequally matched, that it has hardly Strength enough to defend itself. Is this our Case in the present War? Is not the very contrary our Case? The Enemy we are now engaged with has always been, and is now, a most unequal Match for this Nation: It is absolutely impossible for them to attack us in any Part of the World, with a probable View of Success: It is absolutely impossible for them to defend themselves, in that Part of the World where it is most our Interest to attack them, if we exert our Strength, and apply it in a prudent and vigorous Manner. But this, my Lords, we have not done: We have indeed put ourselves to a great Expence in warlike Preparations; but instead of sending our Forces Abroad to attack the Enemy, we have kept them at Home as a Spectacle or an Oppression to our own People. We have made no vigorous Effort in any Part of the World; and in that Part which the present Motion relates to, the only Effort we have made, has been, in my Opinion, a wrong one. We have employed our Squadron upon the Coasts of *Spain*, to keep their Squadron, their *Flota*, and their Ships in Port, whereas we should have invited them out: We should have tempted them to put to Sea; because if we had at first sent a sufficient Squadron to the *West-Indies*, they could have done us no Harm; and we should have had a Chance of meeting with, and destroying them at Sea; but whilst they remained in Port, as we had resolved not to attack them there, we had no Chance of doing them an Injury.

But this, my Lords, is not the worst Part of our Conduct. The Design on which we employed the Squadron under Admiral *Haddock* was bad; but even that Design, bad as it was, we have executed in a most unaccountable Manner. When that Squadron first took its Station off *Cadix*, the Enemy had then in that Port a *Flota* designed for the *West-Indies*: The rich Cargoes designed to be sent by that *Flota* were then all on Board, and the Ships almost ready to depart. The Enemy had besides in the same Port, a Squadron of Men of War; but that Squadron was far from being provided with Men, Stores, or Provisions; and as the Enemy are always in great Want of all these Necessaries, we knew, it was not in their Power to fit out that Squadron, so as to be fit for sailing, in a great many Months. These being the Enemy's known Circumstances, what did our Squadron do? It continued before *Cadix*, not to keep in the Enemy's Squadron, but to keep their *Flota* from sailing, lest we might have

have a Chance of making something considerable by the Re-Ann^o 14. Geo II.
 prisals we had issued, which was at first the only Method
 we had wisely proposed for bringing the Enemy to Reason,
 and therefore is the more surprizing, we should take Mea-
 sures to prevent its Effect. However, in this, if it was our
 Design, we succeeded ; the Ships of the *Flota* were unloaded
 and laid up, or converted into War-Ships, and the Seamen
 and Stores provided for them, were made use of for fit-
 ting out their Squadron with the more Expedition, so that
 at last it was fit for sailing, or at least as fit as the Enemy
 could make it. As the preventing this Squadron's putting
 to Sea, was our professed Design, one would think, we
 should then have been more careful than ever of keeping our
 Squadrons before *Cadix*, or at least in such Stations as to
 be ready to follow or intercept the Enemy's Squadron, in
 Case it should dare to put to Sea. Was this the Case, my
 Lords ? No, as soon as the Enemy's Squadron was fit for
 sailing, our Squadrons were all sent out of the Way, and,
 so far as appears, without Orders to take any farther No-
 tice of the Enemy's Squadron at *Cadix*.

My Lords, this Conduct is really most unaccountable :
 It would almost provoke one to suspect Treachery ; yet
 this still is not the worst. The Enemy's Squadron sailed from
Cadix to *Ferrol* : It remained there some Months : It took
 in regular Troops, warlike Stores, and Provisions, for sup-
 plying the *Spanish* Garrisons in the *West-Indies* : It sailed
 again from *Ferrol* to *America*, and all this without the least
 Disturbance or Interruption from any of our Squadrons.
 Soon after, two Squadrons sailed from *France* to the same
 Part of the World : What was their Design, I shall not
 pretend to determine ; but, I am sure, we had Reason to be
 suspicious ; and tho' Admiral *Vernon*, who was now brought
 to be upon the Defensive, had made the best Disposition
 possible, yet from many Circumstances I have some Reason
 to believe, that his Safety, and the Safety of our Island of
Jamaica, were more owing to Tempests and *Spanish* Indo-
 lence, than to our Conduct or Forefight. As we were in
 Friendship with *France*, and had an uninterrupted Corre-
 spondence with every Part of that Kingdom, we certainly
 knew of their Preparations, we certainly knew of their Squa-
 drons sailing ; yet we took no Care to send a Squadron im-
 mediately after them, but left Admiral *Vernon*, and all our
 Sugar-Islands for two or three Months to the Mercy of *French*
 Faith and Sincerity.

Was

Anno 14. Geo. II.

1740.



Was there any Prudence in this, my Lords? Has there appeared either Wisdom or Vigour in any one Step of our Conduct since the War began? The noble Lord says, the present Question must turn upon the Opinion each particular Lord has formed to himself of our Conduct of the War. It certainly does so; but I will say, that if your Lordships do not think, that our Conduct hitherto has been *excessively* bad, you will differ from the Opinion of every Man in this Nation, and every Man in *Europe*, that knows any Thing of the Circumstances of this Nation and *Spain*. Do not our common News-Papers, does not every Traveller that comes from abroad, inform us, that our Conduct in the War is ridiculed and hooted at every Court, and 'in every City in *Europe*? The learned Lord who spoke last may, perhaps, know very little of military Affairs, because he has always been employed in serving his Country in a different Capacity; but it is the Business and the Duty of every Lord, and of every Gentleman, that is not of the Robe, to know something of military Affairs. In *France* they have no Notion of a Gentleman that is not of the Robe or the Sword; and if your Lordships refuse entering into an Enquiry, because you have a good Opinion, or because you have not an excessive bad Opinion of our past Conduct in the War, I am convinced, Foreigners will think, that this House is chiefly composed of Divines or Lawyers, or at least they will think, we know nothing of what ought to be the Business of every Gentleman not bred to either of these Professions; which is an Opinion we ought not to propagate, at such a critical Conjunction.

The learned Lord says, we ought not to enquire into the Conduct of the War, *flagrante Bello*. My Lords, it is not proposed to enquire into the Conduct of the War, *flagrante*, but *languente Bello*; and if we do not enquire into it while it is *languens*, I believe, we shall have no Opportunity to enquire into it while it is *flagrans*: At least, I believe, we shall have no such Opportunity as long as it is under the same Management. But why should we be so cautious of enquiring into the Conduct of the present War, even during its Continuance? I am persuaded, we cannot thereby discover any important Secrets to the Enemy; because, I am convinced, there are none such in any of the Papers now moved for: At least, none but such as may ruin the Nation by their being concealed. If there are any that may hurt the Nation by their being revealed, his Majesty will certainly tell us so in his Answer to our Address; and then we can direct

our future Proceedings accordingly. And as to the Danger of creating a Breach between his Majesty and his Parliament by such an Enquiry, I am surprized to hear such a Thing insinuated by a noble Lord who is so well acquainted with our Constitution, and with his Majesty's personal Virtues. Our present Sovereign, my Lords, is too well acquainted with the happy Constitution of our Government, and has too great a Regard for it, to employ any Minister, whom he knows to be disagreeable to his People or his Parliament. Therefore we cannot be in the least apprehensive, that his Majesty would continue in his Service a Minister whose Conduct had been censured by Parliament, and much less that he would rather break with his Parliament than comply with their Request in removing any Minister from his Service.

Anno 14. Geo. II.
1740.

Thus, my Lords, it is evident, I think, that no Danger, no Inconvenience can ensue from our Enquiry; but if we make no Enquiry, God knows what may be the Consequence: The War will be continued in the same languid Manner; our Merchants will be plundered; our Trade will be ruined; our Revenues will sink; our Debts will rise, till at last we shall have no Funds for continuing the War; and when we are thus exhausted, those we now seem so much afraid of, will probably declare against us; I say probably, my Lords, because they may then do it without Danger; for their having sat quiet so long, is, I believe, more owing to their Fear than their Inclination. But suppose this Misfortune should not befall us, even our own People will at last become mutinous; they will at last begin to look upon those in Authority over them, as their greatest Enemies, and will be ready to join with any Enemy, even the *Spaniards* themselves, in order to get rid of such a Government. In all Governments it is reckoned a great Happiness, to have a regular, legal Method for giving the People Satisfaction, when they appear generally discontented with the Conduct of those at the Helm of Affairs. The legal Method establish'd by our Constitution for this Purpose, is by a strict and impartial Parliamentary Enquiry: By this Method we shall always be able to quiet the Minds of the People, either by punishing the Guilty, or justifying those that are wrongfully accused. But if our Parliament should neglect and despise the Complaints of the People, in Pursuance of some Doctrines I have lately heard advanced in this House, the People will despair of any legal Redress; and in that Case, they will certainly begin to think of doing themselves Justice by a general Insurrection. The Consequence of this may be fatal to
many

Anno 14. Geo. II. many Innocent, as well as the Guilty ; nay, it may prove fatal to our present happy Establishment, and therefore I am always surprized to hear any one, that has a Regard for our Royal Family, profess a Contempt of popular Clamours or Discontents.

1740.

My Lords, I must think it very unlucky in any one, that argues in Favour of our Conduct in the present War, to mention Queen *Elizabeth* or *Oliver Cromwell*: Both of them began the War against *Spain* in a very different Manner from what we have now done. Queen *Elizabeth* began the War, by sending an Army into the *Low Countries*, to assist them in throwing off the Yoke of *Spain*: At the same Time she sent a Squadron, with Land-Forces on board, to the *West-Indies*, not with simple or ambiguous Orders for making Reprisals, but express Orders to attack the *Spanish* Settlements; and accordingly they took and plundered *St. Jago*, one of the *Cape Verd* Islands, as also most Part of the Island of *St. Domingo*, the Town of *Cartagena*, and the Towns of *St. Antonio* and *St. Helena* in *Florida*. The very next Year after the Return of this Fleet, she sent another under the same Admiral, *Drake*, to the Coasts of *Spain*, which did not lie to be stared at off of any of their Ports, but entered the Harbour of *Cadix* and the River of *Lisbon*, and burnt a great Number of Ships; and tho' the Admiral had no Land-Forces on board, yet he landed at several Places upon the Coast of *Spain*, and ravaged the whole Country round: At the same Time she sent *Cavendish* to the *South Seas*, where he ravaged the whole Coast of *Chili* and *Peru*, and returned to *England* with a Booty vastly rich. The Year following was the Year of the *Spanish Armado*, the Fate of which I need not relate. The next Year, with the Assistance of some private Adventurers, she sent a Fleet and Army against *Spain* itself, where they landed at several Places, beat an Army that was sent against them, and might have got great Booty, if they had not amus'd themselves with restoring the dethroned King of *Portugal*. The four or five Years next following, that great Queen was chiefly employed in assisting *Henry* the IVth of *France* against the *Spaniards* and his own rebellious Subjects; and in the Year 1596, a new Fleet and Army was sent against *Spain* under the Earl of *Effex*, who took the City of *Cadix*, burnt or took all the Ships in the Harbour, and after having done the *Spaniards* an infinite deal of Mischiefe, returned to *England* with a most considerable Booty.

' Besides these, my Lords, there were several other Expeditions of less Note undertaken against the *Spaniards* in that Reign; and if we did not, at that Time, keep Possession of any of the Places we took from the Enemy in the *West-Indies*, it was because we did not then so well know the Benefit of Settlements in that Part of the World. But if Queen *Elizabeth* did not push the War against *Spain* with so much Vigour as she might have done, there were two Reasons for it, which do not now subsist. In the first Place, our Trade, which was then in its Infancy, suffered but very little by the War, and we were yearly getting great Riches by plundering the Enemy at Sea or Land; and, in the next Place, that gracious Queen was extremely shy of loading her Subjects with any Taxes, or putting the Public to any Expence. When she found herself under no Necessity to send out Forces to attack the Enemy, or assist her Allies, she kept no Army or Squadron at home to be a Burden and Oppression upon her own Subjects. She raised no Armies, nor fitted out any Squadrons, but when she had immediate Occasion for them, or was in imminent Danger; and as soon as the Service, or the Danger was over, she dismissed her Armies, and paid off her Squadrons. I wish I could say, we have held the same Conduct ever since, or that we now hold such a Conduct.

' Having thus explained Queen *Elizabeth's* Conduct, I shall be but very short, my Lords, with regard to *Oliver Cromwell's*. It is well known, he began his War with *Spain* by the Conquest of *Jamaica*, which has since brought in so many Millions *Sterling* to *England*; and, if it had not been for a Mistake in his General, he would probably have begun it with the Conquest of *St. Domingo*, which would have been an Acquisition of much greater Consequence to this Kingdom. If he did not second his Blow in the *West-Indies*, it was because he engaged with the *French* in their War against the *Spaniards* in the *Netherlands*, by which he got Possession of the important City and Port of *Dunkirk*; and he died in little more than two Months after he had made this new and important Acquisition, which we might to this Day have had in our Possession, if the Parliament, upon the Restoration, had done their Duty, and annex'd it to the Crown of *England*. I wish the Nation may never again suffer by the same sort of Neglect.

' Thus your Lordships see, that both in Queen *Elizabeth's*, and *Cromwell's* Time, we began the War against *Spain*, by giving them a severe Blow in the *West-Indies*. Have we done so now? Such a Blow might easily have been given at the beginning of this War; but it will grow every Year more and more difficult, and is therefore not to be hoped for from

Ann. 14-Geo. II.
1740.

those who neglected to give it at the Beginning. It is now above a Year since the War was declared : It is near eighteen Months since Hostilities were resolved on : What have we yet done ? The War has already cost the People of this Nation above Three Million Sterling ; and, except what Admiral *Vernon* has done, I shall not say without Orders, but I am sure without express Orders, we have not done the Enemy Three Farthings Worth of Damage. I do not reckon taking their Ships, because, in that Way, I am convinced they are more than equal with us. Can the People be satisfied with such a Return for the Money they have so chearfully advanced ? My Lords, if the Nation be inflamed, it is not by seditious Libels, but by weak Measures, by Measures that are universally condemned ; and from our Histories it will appear, that the People of *England* were never universally in the Wrong. Whilst any Doubt remains, they will hear, they will attend to what is said on both Sides ; and they seldom, in general, judge amiss. But when weak Measures are supported by weak Arguments, I do not wonder at the People's refusing to read Papers, where they can expect neither Sense, Wit, nor Amusement.

' But in Fact, my Lords, I do not think there are any false or seditious Libels published, unless it be those called *Gazetteers* ; and suppose there were, shall this House descend so far beneath its Dignity, as to become a Court of Inquisition into the Authors and Publishers of Pamphlets and Newspapers ? This, my Lords, is the proper Business of a *Mid-dlesex* Justice of Peace. If we should take their Business upon us, I am sure I should be for turning all Strangers out of the House, because I should be ashamed of what we were about. I should then, indeed, be for keeping our Doors shut ; but whilst we do nothing unbecoming, and when we have no important Secrets under Deliberation, it is an Advantage to us to have as many Strangers admitted as possible, because the Dignity, the Justice, and the Candour of our Proceedings are thereby published to the World.

' My Lords, it is not by excluding all sorts of Strangers, that you are to preserve the ancient Dignity of this Assembly : It is by excluding all manner of Quibbling, Impertinence, Deceit, Weakness, and Corruption. These, I hope, are Strangers here : I hope your Lordships will take care never to admit any one of them within these Walls ; but by excluding other Strangers, when you have nothing of a secret Nature under Consideration, you will only raise a Jealousy of the Dignity of your Proceedings ; and if this Jealousy should become general without Doors, you will in vain seek for Respect among the People.'

Lord

Lord Hervey.

Lord Hervey.

‘ My Lords, as so much has been already said upon this Question, I cannot propose to entertain your Lordships with any Thing new upon the Subject, and therefore should have avoided giving you any Trouble at this Time ; but I think the Question so important and dangerous, that I could not have forgiven myself, had such a Question been agreed to, without my testifying previously my Dislike to it. It has, I think, on all Sides been acknowledged, that nothing can, that nothing ought to induce any Lord to give his Assent to this Question, but a thorough Conviction, that our Conduct in the War hitherto has been most intolerably bad. Now, my Lords, in order to have such a Conviction, I think there are several other Things necessary, besides a competent Skill in military Affairs. We ought to know the present Circumstances of this Nation in every Respect : We ought to know the present Circumstances of the Enemy in every Part of their Dominions ; the Strength and Condition of their Fleets and Fortifications ; the Number and State of their Land Forces and Garisons ; and the Capacity, Temper, and Qualifications of their Ministers, Governors, and Commanders : And farther, we ought to know the present Interests and Views, as well as the Strength, of all the Powers in *Europe*, that may declare for us or against us in the present War. Without a competent Knowledge in all these Particulars, as well as in the Nature of military Affairs in general, I think, we judge rashly, if we pass such a Sentence upon our past Conduct in this War, as to say, it has been intolerably weak or imprudent ; and as I can pretend to no such Knowledge, I cannot pass such a Sentence ; consequently, according to what has been allowed of all Sides, I ought not to declare for a general Enquiry into the Conduct of the War, *pendente*, I shall not say, *flagrante Bello*, and therefore, I ought not to agree to this Question.

‘ How People’s Sentiments about the proper Methods for obtaining Redress, or for prosecuting the War, come to vary so much as they do, I do not know ; but, my Lords, when Hostilities first began to be talked of, I think it was the general Opinion, that we ought not to begin with declaring War against *Spain*, for fear of alarming the other Powers of *Europe* ; and because, by sending our Squadrons out to make Repairs, we might soon be able to get sufficient for repairing the Damage suffered by our Merchants, and to compel *Spain* to give us Security for the Freedom of our Trade and Navigation in Time to come. And in order to prevent their

Ann. 14 Geo. II.

1740.

being able to do us any Mischief, the most prudent Method was thought to be, to prevent their sending out any Squadron, by blocking it up in Port. These, I say, were Peoples Sentiments, when Hostilities first began to be talk'd of: I hope they have not varied for no other Reason, but because our Ministers fell into these Sentiments, and pursued these very Methods. Now, my Lords, if it would have been imprudent in us to have begun with a Declaration of War against *Spain*, I am sure, it would have been more imprudent, and would have given a greater Alarm, to have begun with an Expedition for making any Conquests upon them, either in *Europe* or *America*. But suppose, my Lords, we had resolv'd to begin the War in this Manner, it was not really in our Power; we had no Land Forces to spare at the Beginning of the War, nor could we send more Ships to the *West-Indies*, than were actually sent, considering the great Number of Ships we were oblig'd to employ for blocking up the Enemy's Squadron at *Cadix*, for protecting our Trade at home and abroad, and for guarding our own Coasts against any Invasion that might be design'd against us, either by *Spain*, or any other Power in *Europe*; and considering the great Distress we were in at the beginning of the War for want of Seamen.

'Tho' I do not pretend, my Lords, to any great Skill in military Affairs, nor to any great Knowledge in History, yet I could undertake to shew, that, at the beginning of this War, the *Spaniards* were better provided for their Defence, both in *Old Spain* and *America*, than they were either in Queen *Elizabeth's*, or *Oliver Cromwell's* Time; and that it was less in our Power to hurt them, than it was at either of those Periods. In Queen *Elizabeth's* Time, it is true, the King of *Spain* had great Armies on Foot; but his Armies were mostly employed in *Italy* and the *Netherlands*: He had not in *Spain* near such a numerous Army as they have at present, tho' he was then in Possession of *Portugal*, which he had conquered but a few Years before, and, consequently, had the whole Coast of *Portugal*, as well as the Coasts of *Spain*, to defend against our Invasions. And with regard to their Settlements in the *West-Indies*, the *Spaniards* had then no regular Troops in that Part of the World, nor were the Inhabitants near so numerous as they are at present. Then, my Lords, with regard to the Fortifications, it is certain, that most of the Sea-Ports, both in *Old-Spain* and *America*, are now much better fortified than they were in Queen *Elizabeth's* Time, especially the Port and City of *Cadix*; for several new Works have since been added to the Fortifications of the City, and several new Castles built for defending

defending the Harbour ; and yet, even at that Time, the Success of the Expedition under the Earl of *Essex* was more owing to a lucky Accident, than to the Weakness of the Place, or to the Vigour and Conduct of our Attack.

‘ From these Considerations, my Lords, I must conclude, that it is not now so easy to attack the Dominions of *Spain*, either in *Europe* or *America*, as it was in Queen *Elizabeth*’s Time ; and, with Regard to the Strength of this Nation, tho’ Queen *Elizabeth* did not keep a regular Standing Army in continual Pay, because it was not then the Custom in this or any other Country in *Europe* to do so, yet she had always an Army at Command, of as good Troops as any that could be brought against her ; and the Militia of this Kingdom was then better disciplined, and more to be depended on, than it is at present. Our own Histories inform us, that in the Year 1588, when the *Spanish Armado* was sent out against this Nation, Queen *Elizabeth* had an Army of 40,000 Men assembled, besides a well-disciplined and well-armed Militia, all ready to march against the Enemy, if they had landed in any Part of this Island ; and therefore we cannot be surpriz’d at her being able to send a small Body of Troops to attack the *Spaniards* in the *West-Indies*, as soon as she resolved upon a Rupture with that Nation. To these Advantages I must add, that Queen *Elizabeth* was in no Danger of being attack’d at the same Time by *France*, nor was the Power of the Crown of *France* near so formidable as it is at present.

‘ This last Advantage, my Lords, was likewise enjoy’d by *Oliver Cromwell*, when he resolv’d upon a Rupture with *Spain* ; and he had a much greater regular Army on Foot, than we had at the Beginning of the present War : Besides, the Government of *Spain* was then under so weak an Administration, that it was hardly able to support itself, and much less to attack him in either of these Islands ; therefore he was in no Danger of being invaded at home, and consequently might spare a few of his Troops for attacking the *Spaniards* in the *West-Indies*, without exposing the domestic Tranquility of the Nation to any Danger of being disturbed. Was this our Case at the Beginning of the present War ? Can it be said, with any Confidence, that we were in no Danger of having our domestic Tranquility disturbed by an Invasion, in case we had sent out any Part of the small Army we had then on Foot, to attack the *Spaniards* at Land, either in *Europe* or *America* ? From *Spain* we were certainly in Danger of being invaded ; for they were actually preparing for it ; and tho’ *France* has not yet, and I hope will not declare against us, yet, considering the Union between the Crowns of *France* and *Spain*, we had all the Reason in the World to be upon

Ann. 14 Geo. II.
1740.

upon our Guard against *France*, as well as *Spain*; for the former's having not yet declar'd against us, may, perhaps, be owing to our not sending any Troops out of the Kingdom, till after having increased our Army by new Levies.

' Therefore, my Lords, if we have not yet made a vigorous Attack upon *Spain*, either in *Europe* or the *West-Indies*, it is not owing to any Imprudence or Neglect in our Conduct, but to *Spain's* being now in a better State of Defence than it was formerly, to the small Army we had on Foot, or could raise at the very Beginning of the War, and to the great Difficulties we labour'd under in getting Seamen, for many Months after Hostilities were not only resolv'd on, but actually begun; and consequently, if we ought not to expose the Nation to the Dangers, Inconveniencies, and Animosities, always attending Parliamentary Enquiries, unless we be convinced of our Conduct having been excessively bad, I am sure, we ought not, at present, to agree to the setting up of any such Enquiry, or to any Motion tending that Way.

' Being thus, my Lords, as I have shewn, under an utter Inability, or rather Impossibility, to attack any of the *Spanish* Dominions at the Beginning of the War, what were we to do in the mean Time? Surely, I think, it will be granted, that the most prudent Thing we could do, till we should have Time to augment our Army, and discipline our new-raised Troops, was, to do the Enemy as much Hurt as possible at Sea, and to take all possible Care to prevent their being able to do us any. For this Purpose, proper Orders were privately sent to our Commodore in the *West-Indies*; a Squadron was fitted out, and sent to intercept the *Assogues*-Ships in their Return to *Europe*, from whence it was order'd to sail to the *West-Indies*; and a Reinforcement was sent to Admiral *Haddock*, with Orders for him to take his Station off the Harbour of *Cadix*. In this there was a double Design; for by being in this Station, he not only block'd up the *Spanish* Squadron in that Port, but lay in the Way to intercept their rich Ships returning from the *West-Indies*; and in both he had as much Success, I think, as could well be expected; for we have got two very rich Prizes, and so far as I remember, not above one rich *Spanish* Ship has escaped safely into that Port since the Beginning of the War. But our blocking up their Squadron and their *Flota* in Port was, it seems, what we ought not to have done; because, if both had sailed, they could have done us no Injury, and we should have had a Chance of meeting with, and destroying or taking them at Sea. My Lords, if their Squadron had sailed, it might, perhaps, have done great Prejudice to us, before we could have an Opportunity to meet with and destroy it at Sea; because it might probably

probably have met with some of our most numerous or richest Fleet of Merchantmen ; and, by defeating the Convoy, our Enemies might have made themselves Masters of that whole Fleet. If such an Accident as this had happened, the general Complaint would then have been, Why did you allow their Squadron to fail ? Why did not you send a superior Squadron to block it up in Port ? This Complaint would, I think, have been more justly founded ; and therefore, I think our Ministers were in the right to take the most proper Measures for preventing such a fatal Accident.

Ann. 14 Geo. II.
1740.

‘ Then, my Lords, with regard to the *Flota*, I shall grant, that if we could have formed any probable Scheme for intercepting it at Sea, the best Way would have been to have allow’d it to fail ; but I must observe, that as the *Spanish* Squadron and *Flota* lay both in the same Port, we could not block up the one, and allow the other to fail ; for the *Flota* would never venture out, as long as our Squadron lay before the Port, and if our Squadron had not taken up that Station, we could neither have intercepted the *Caracca* Ships, nor could we have prevented the sailing of their Squadron ; because, if I have been rightly inform’d, even the Squadron was in such Readiness, that it might have sail’d as soon as the *Flota*, had not we prevented the sailing of both, by stationing our Squadron off the Bay of *Cadiz*.

‘ But, my Lords, if we had allow’d the *Flota* to get fairly out to Sea, it is my Opinion, that we should have had but a very indifferent Chance of meeting with it any where in its Passage to *America*. It is such a wide Sea, and the Course so uncertain, that I do not know where we could have station’d any Squadron. so as to have a probable View of intercepting the *Spanish Flota* ; and if it should have got to *Cartagena*, or any of the other *Spanish* Ports in *America*, its safe Arrival would have been a great Advantage to *Spain*, and a great Prejudice to this Nation. The *Spaniards* might by degrees have got the Returns home in single Ships ; and these Returns being mostly Gold or Silver, which are the Sinews of War, would have enabled them to support, and even to push the War against us. Then as the Markets in *New Spain* would, by the Arrival of the *Flota*, have been supplied with all Sorts of *European* Goods, it would have been a great Prejudice to that profitable, contraband Trade, which is now carried on in that Part of the World by the Subjects of this Nation.

These Things being considered, my Lords, I must think, it was the most prudent Step we could take, to station our Squadron before the Bay of *Cadiz*, even tho’ we thereby prevented the sailing of the *Spanish Flota* as well as that of
their

Ann. 14 Geo. II.
1740.

their Squadron ; and as to our Squadrons attempting to sail in, and destroy the Ships in that Harbour, I must be of Opinion, that it would have been a most rash and dangerous Undertaking, unless our Squadron had been accompanied with a Land-Army sufficient for besieging and taking the City of *Cadix*, or, at least, for taking and destroying the many Castles and Batteries now erected for defending that Harbour. Such an Undertaking as this, would have required a greater Army than we had on Foot in *Great Britain* at the Beginning of the War, even suppose we had resolved to send every Man of them out of the Kingdom ; and as such an Expedition would have been vastly expensive, as we must have lost a vast Number of Men in the Attempt, if it had not succeeded, which very probably might have been the Case, there would then have been a most general and a most just Clamour raised against the Measures of our Administration, in the Prosecution of the War.

I have now, my Lords, briefly answered every material Objection I have heard made against our Conduct in the present War ; except that of the *Spanish* Squadrons escaping first from *Cadix*, and next from *Ferrol* ; and as to both, it is publicly known, that they were owing to mere Accidents, which could neither be foreseen nor provided against ; so that, I think, I have no Occasion to take any farther Notice of them. I may say the same with regard to our Fleet designed for the *West-Indies*, being so long detained in the Channel, after the sailing of the *Spanish* and *French* Squadrons ; and therefore, upon the Whole, I must conclude, that in the War hitherto, we have met with no Misfortune, nor missed doing any Thing in our Power to do, but what has been occasion'd by Accidents, which no human Prudence could prevent or provide against.

As this, my Lords, is my Way of thinking with respect to our Conduct hitherto, in the War we are now engag'd in : As, I think, we have great Reason to expect Success from the same sort of Conduct in Time to come, I am not so fond as others may, perhaps, be of a Change of Hands ; therefore, I cannot think we have any Reason for a general Parliamentary Enquiry into the Conduct of the War. Such an Enquiry would, in my Opinion, be attended with many Dangers, and that none of the least considerable, that it might, perhaps, occasion a Change in our Administration, and might throw the future Management of the War into the Hands of those, who are so fond of attacking the Enemy, that they would expose us to the utmost Danger of being attack'd in the most sensible Part, and in that Way which would bring the greatest Ruin and Desolation upon this Island. I am therefore
against

against an immediate Enquiry into the Conduct of the War ; *Ann. in Geo. III.*
 and as, without such an Enquiry, we can have no Use for *1740.*
 the Papers now moved for, I shall, without any Regard to
 what may be thought or said by the Clamorous without
 Doors, give my Negative to the Question.

Lord Carteret.

‘ My Lords, in this Debate, as in most others of the like *Lord Carteret*
 Nature, Facts are generally contested, or very differently
 represented ; and when the Justification or Condemnation of
 a Minister’s Conduct depends upon such Facts, the different
 Representation of them is one of the strongest Arguments
 that can be made use of for an Enquiry into his Conduct.
 The noble Lord says, the Sentiments of some People have
 varied exceedingly since the Beginning of the War. What
 People his Lordship means I do not know ; but the Sentiments
 of most People I have conversed with, have been
 long, and are still, the same. They thought long ago, that
Spain deserved our highest Resentment ; and that no Treaty,
 no Convention, nothing could secure the future Freedom of
 our Trade and Navigation, but our taking a full Revenge
 for past Injuries, and a real Security against the like in Time
 to come. By real Security, I mean our taking and holding
 Possession of some of the *Spanish* Settlements in the *West-*
Indies ; and by a full Revenge I mean our taking Satisfaction
 not only for the Damage we have sustained ; but for all the
 Insults we have met with. These were the Ends we were
 to pursue, according to the Sentiments of all those I con-
 versed with ; and every one saw, that neither of these Ends
 could be answered by Reprisals. Nay, every one foresaw,
 that by mutual Reprisals, we should probably be Losers
 upon the Balance ; but no one, I believe, foresaw, that our
 Loss would rise to such a surprizing Height as it has done.

‘ My Lords, thro’ our whole Conduct from the Beginning
 of the War, to this very Day, we seem to have been afraid
 of what no reasonable Man could apprehend, and to neglect
 that Danger, which every reasonable Man had most Reason
 to be afraid of. We have dreaded Invasions ; we have
 dreaded what the Enemy might do against us, by means of
 their Squadrons, and have neglected the Injuries they might
 do to our Trade by means of their Privateers ; we have
 dreaded giving the Alarm to the other Powers of *Europe*, by
 our making a vigorous Push against *Spain*, whereas we
 ought to have dreaded giving Encouragement to any one of
 them to declare against us, by a weak or pusillanimous Pro-
 secution of the War. If we had considered only the Injuries

Ann. 14 Geo. II.

1740.



we had received, and the proper Methods to resent them ; if we had begun by a vigorous Push in *America*, and thereby made ourselves, in a great Measure, Masters, which we might have done, of the *Spanish* Settlements in that Part of the World ; if we had shewn, by sending our Army abroad, that we could trust to our own People at home, and despised the vain Threats of Invasions, it would have restored to us the Confidence of our Allies, and in that Case, those Potentates in *Europe*, who can never have Occasion to be jealous of our naval Power, or of the Increase of our Dominions in *America*, would have kept in Awe the other Potentates in *Europe*, who, from such a Jealousy, or perhaps from a worse Motive, might have inclined to join with *Spain* against us. But such a Conduct as this could hardly, indeed, be expected from those, who had for twenty Years together pursued Maxims of a direct contrary Nature ; and who, by pursuing such Maxims, have now at last brought the Affairs of *Europe* into the utmost Confusion, and the Affairs of this Nation almost to the Brink of Perdition.

‘ To pretend, my Lords, that we are not to take the most effectual Methods for bringing the Enemy to Reason, is a Maxim that must destroy itself, or it will destroy the Nation, by rendering the War between *Spain* and us perpetual. I hope it is now laid aside ; for if it is not, I do not know what we intend by the Land Force and strong Squadron now sent to the *West-Indies* : If they are not to be employed in such a Manner, as may be disagreeable to some of the Friends of *Spain*, I am sure, they are not to be employ’d in any Manner, that can be beneficial to this Nation, or effectual for compelling *Spain* to do us Justice ; and therefore, I am sorry to hear such an Argument made use of in Excuse for our Method of beginning the War, because it gives me a most ungrateful Suspicion, that the same Argument is hereafter to be made use of, for misapplying the Force now sent to the *West-Indies*.

‘ But it seems, my Lords, beside this of giving the Alarm to the other Powers of *Europe*, we had another Reason, and if it were true, I shall grant, a much better one, for not beginning the War by sending out a Land Force to attack some of the *Spanish* Settlements in *America* ; which is, That it was not in our Power ; and in order to establish this Fact, the noble Lord endeavoured to shew, that *Spain* is now in better State for Defence, and this Nation in a worse State for Offence, than in the Days of Queen *Elizabeth*. This, I must say, seems to me a Sort of Paradox ; it is somewhat strange, that the Crown of *Spain*, when possessed of *Portugal* as well as *Spain*, and when possessed of a great Part of

Italy,

Italy, and almost the whole seventeen Provinces of the *Netherlands*, seven of which have since made such a Figure in the World; I say, it is somewhat strange, that in these Circumstances the Crown of *Spain* should not be in a better State, either for Offence or Defence, than it is at present. Perhaps they had not at that Time so many old regular Regiments in *Spain* and *Portugal*, as they have now in *Spain*: But had we any such Regiments in *England* in the Days of Queen *Elizabeth*? Every one knows we had not: She never kept up a standing Army; she never raised any Troops or Regiments, till she had Occasion for them; as soon as they were raised, they were sent upon the Service designed; and as soon as the Service was over they were disbanded, and obliged to betake themselves to their former industrious Employments. Were not then the Militia or new-raised Troops of *Spain*, as good as any Militia or new-raised Troops she had to send against them? If they were not, it was because the common Men of this Nation are naturally better Soldiers than the common Men of *Spain*; and this Difference, I hope, still subsists; for as our common People, or what some Gentlemen now very much affect to call them, the Mob, have more Liberty, they must of course have better Spirits and more Courage, than the common Men in the Country, where they are in a manner Slaves; and as the common People of *Spain*, have now, neither Arms, Discipline, nor Courage, equal with any Troops we can send against them, therefore it would now be more easy to land and make Inroads upon their Coast, than it was in the Days of Queen *Elizabeth*; for if they had a much more numerous Army than they have, every Part of their Coast could not be provided with a Body of regular Troops ready to oppose the Invaders at their first Landing.

With regard therefore, my Lords, to Troops or Armies, it is evident, I think, that *Spain* is not now in such a good State of Defence, as it was in Queen *Elizabeth*'s Time; and with regard to their Fortifications, if the Arts of Fortification have very much improv'd since that Time, the Arts of Attacking or Besieging have kept equal, or rather a much quicker Pace; for Sieges, even of the best fortified Places, do not usually now last so long, as Sieges then did, of Places which would now be look'd on, as very weakly fortified. For this Reason, my Lords, we are not to judge of the Difficulty of attacking a Place, from its being now much better fortified than it was 150 Years ago; we are to judge from the Methods now in Use for Attacking, if we know them, or from the Opinions of those that do; and, I believe, most Engineers will tell us, that very few, if any of the Harbours

Ann. 14 Geo. II.
1740.

Ann. 14 Geo. II.
1740.

of Spain, are Proof against the Navy of *England*, when it is properly commanded. properly provided, and, above all, properly instructed.

The next Paradox I am to take Notice of, my Lords, is, that we are not now in so good a Condition for acting upon the Offensive against *Spain*, as we were in Queen *Elizabeth's* Time. This likewise is somewhat strange: The whole Island of *Great-Britain* is now united, and besides, we are now in Possession of most extensive and populous Settlements in *America*; and yet, we have it not now so much in our Power to attack *Spain*, either in *Europe* or *America*, as in Queen *Elizabeth's* Reign, when the Island was divided into two separate and distinct Kingdoms, and when we had few or no Settlements of our own in *America*. If it really be so, I am sure, it cannot proceed from the Nature of Things, but from the Weakness of our late Councils; and this ought to be a prevailing Argument with every Lord that thinks so, for resolving upon an immediate Enquiry into our late Conduct, and consequently for agreeing to this Motion.

But the great Advantage enjoyed both by Queen *Elizabeth* and *Oliver Cromwell*, above what we enjoy at present, consisted, it seems, in this, that neither of them were under the least Apprehensions of an Invasion from *France*, at the Time they resolved on a Rupture with *Spain*. My Lords, if Queen *Elizabeth* was under no Apprehensions of an Invasion from *France*, it was owing entirely to the Wisdom and Steadiness of her preceding Councils. If she had not countenanced and assisted the United Provinces in throwing off the Yoke of *Spain*: If she had not countenanced and assisted the Protestants of *France*: If she had not most artfully managed the Court of *Scotland*; the United Provinces would have been reduced and oppressed; the Duke of *Guise's* Faction would have prevailed and been at the Head of Affairs in *France*; and the King of *Scotland* might perhaps have entered into the Catholic League against her. If she had, by thinking of nothing but little, temporary Expedients, allowed the Affairs of *Europe* to have been brought to this Pass, she would probably have been invaded from *Flanders*, *France*, *Spain* and *Scotland*, at one and the same Time; and in this Case, neither her Fleets nor her Armies, nor even the Affections of her People, which was more than all, would have been able to prevent her Ruin; but she foresaw the distant Danger, and by bold, as well as wise Councils, disconcerted all the Schemes of her Enemies, before they could bring them to Perfection. Had we of late pursued such Councils, we should not now, perhaps have seen such an Union of Councils

Councils between the Courts of *France* and *Spain* ; or if we had, we should have had no great Occasion to dread either the Union of their Councils, or the Union of their Arms : But we have pursued quite different Measures ; we have long laboured, and at a great Expence too, to reconcile those two Courts, though it was our Interest to labour incessantly at sowing Discord between them ; and by cultivating a Friendship with *France*, which must always be destructive to this Nation, and entertaining strange Jealousies of those, whose Friendship it was our business to cultivate, we have overturned that System of Politics in *Europe*, upon which the Safety of this Nation, as well as the Liberties of *Europe*, very much depended.

Ann. 14 Geo. II.
1740.

Now, my Lords, with regard to *Oliver Cromwell* ; he was not, it is true, under any Apprehensions of an Invasion from *France*, when he resolved upon a Rupture with *Spain*, because these two Nations were then engaged in War ; but, as *Spain* was then in Possession of all the Ports of *Flanders*, and even of *Dunkirk* itself, if *Cromwell* was not afraid of an Invasion from *Spain*, it did not proceed from the Numberousness of his Army, or from the Affections of the People, but from his own fearless Spirit, which was very different from the Spirit that seems of late Years to have influenced all our Councils. Nor was the Government of *Spain*, at that Time, under so weak an Administration, as has been represented ; for they defended themselves so bravely, and were such an equal Match for *France*, notwithstanding their being engaged at the same Time in a War with *Portugal*, that *France* was glad to court the Assistance of *Cromwell*, and to promise him *Dunkirk*, as soon as it should be taken from the *Spaniards*. Had *Cromwell* been at the Head of such a lawful established Government as the present ; had he been chief Minister to a King that enjoyed so much the Affections of his People, as his present Majesty does, he would have despised the Fears of an Invasion ; either from *France* or *Spain* ; at least he would not, on that Account, have delay'd, for one Moment, doing what he knew to be absolutely necessary for the compelling the *Spaniards* to do Justice to his King and Master.

I hope, my Lords, I have now shewn, that at the Beginning of this War, we had it in our Power to follow the Example of Queen *Elizabeth* and *Cromwell*, by beginning the War with an Attack upon the Enemy at Land ; and that we might have attacked them both in *Spain* and *America* with a probable View of Success, if we had not been frightened out of our Senses by that Phantom, called an Invasion. With regard to *Old Spain*, I have often declared myself, and

it

Ann. 14 Geo. II.
1740.

it is still my Opinion, that we ought not to send out any Body of Land-Forces for attacking the Enemy in that Quarter, because we cannot propose to carry on a Land War there, or to keep Possession of any of the Places we may make ourselves Masters of; all we can, or ought to think of is, to make Inroads upon their open Coast, and for this Purpose our Seamen and Marines may, I think, do as well as a Body of regular Land-Forces. If we had resolved upon this Method of harrassing the Enemy, in order to make their People sensible of the War, our Squadron under Admiral *Haddock* might have done them great Damage, and kept them in continual Alarms, by plundering many Places upon the open Coast, and by burning and destroying the Ships in many of their Harbours; for I must join with other noble Lords in thinking, that it was very needless to keep that Squadron constantly in its Station before *Cadiz*, because, if we had at first sent a sufficient Force to the *West-Indies*, we had no Occasion to block up their Squadron in Port, and much less their Flota. Their Squadron would not have dared to have cruised in the open Seas, for intercepting any of our Fleets of Merchantmen, for fear of being itself intercepted by our Squadron; and if we had kept a good Look-out, about the *Leeward* and *Caribbee* Islands, we might, very probably, have intercepted the Flota in its Passage to *America*; or if we had not, we should, probably, have had a good Share of the Returns, by Means of our Privateers and Cruisers, if the *Spaniards* had attempted to bring them to *Europe* in single Ships.

But, my Lords, some of those who have the Direction of our Councils, were really, I believe, afraid, lest we should intercept the *Spanish Flota*; and their Fears proceeded from a Mistake which I have heard mentioned by some of their Friends in this House. They imagine, my Lords, that the *French*, *Dutch*, *Italians*, and perhaps some of our own Merchants, have a large Share of Property in the Cargoes of the *Spanish Flota* and *Galleons*; and that consequently, if we should lay hold of any of them, it would involve our Government in endless Disputes with our Neighbours. This, my Lords, is a downright Mistake: No Foreigner can have any Share either in Ship or Cargo. They must all be in the Names of *Spaniards*; and therefore the Whole would be lawful Prize, if we should happen to take them. If Foreigners had any latent Claims on Ship or Cargo, we neither could, nor ought to admit them: In Time of War no Nation does so: If the Ship appears to belong to an Enemy, both Ship and Cargo become the lawful Prize of the Captors, except in those Cases that are expressly

precisely provided for by Treaty, after the first breaking out of a War ; and even in these, the Claim must appear by the Envoyces or Bills of Lading, and not by latent Deeds, which might afterwards be forged on Purpose to make a Claim. Therefore, if we had intercepted the *Spanish Flota*, we should not have been involved in any Disputes with our Friends, because none of them could have had a just Pretence to dispute the Property with us ; and, I hope, we are not brought so low, as to be obliged to admit of Pretences that are not founded in Justice and the Law of Nations.

Ann. 14 Geo. II.
1740.

‘ It is pretended, I find, my Lords, by all those who have spoke against this Motion, that the Escape of the *Spanish Squadron* from *Cadix* and *Ferrol*, and the Arrival of the *French* and *Spanish Squadrons* in the *West-Indies*, so long before we sent any Relief or Reinforcement to Admiral *Vernon*, were owing to mere Accidents, which could not be provided against by human Prudence. My Lords, this is the very Case in Question, and the very Case we are to enquire into. It is generally thought, that all Accidents have been with us, instead of being against us ; or that if any have been against us, they were such as might have been prevented, or provided against by a very small Share of human Prudence. I have Reason, I think, to believe, that except *Porto Bello* and *Chagra*, we have reaped no Advantage in this War but what has happened by Accident. Our taking the *Caracca-Ships* was plainly owing to Accident ; for it was highly improbable any *Spanish Ship* should approach the Bay of *Cadix*, while our Squadron lay before it. The *Caracca-Ships* would not, if they had not by Accident missed meeting with any of the Advice-Boats sent out by the *Spaniards* to give Notice where our Squadron was stationed ; which shews, that the appointing of our Squadron to lie in any certain Station, was the worst Method we could take, for intercepting the rich *Spanish Ships* in their Return from the *West-Indies*. If we had intercepted the *Affogues-Ships*, it would have been entirely owing to Accident ; for, notwithstanding our talking so much of our secret Intelligence, it appeared, that we knew nothing of the Course they were to steer. In short, during the whole Course of the War, I do not know of one Capture that has been made but by Accident, or by the good Conduct of some of our private Captains : None have been made by the good Conduct of our Ministers ; but, I am sure, the *Spaniards* have made many upon us by the bad Conduct of our Ministers. Our Merchants have suffered in a most surprizing Manner : If there were no other Suspicion of Misconduct, this alone deserves, and ought to be enquired into by Parliament ; for the Enemy

have

Ann. 24 Geo. II. have such a Number of Privateers at Sea, and we hear so little of our Cruisers, that if our Merchant-Ships which sail without, or are separated from their Convoy, miss being taken, I must ascribe it to mere Accident; and, as it has been already observed, I do not know, but that the Safety of Admiral *Vernon* and our Sugar-Islands is to be ascribed to the same Cause.

Thus, my Lords, from what publicly appears, all Accidents seem to have been in our Favour: If any have been against us, let us know them in a Parliamentary Way: Let us enquire into them; and then we can determine, whether they ought to be admitted as an Excuse for our Conduct. A Motion for an Enquiry, and much less a Motion for enabling us to enquire, is no final Judgment. If the Rules laid down by the noble Lord who spoke last, were to be admitted, no Man could move for an Enquiry into a Minister's Conduct, but the Minister himself; for if one is not to move for an Enquiry, unless he judges the Minister's Conduct, to have been excessively bad, and if he can form no such Judgment, without knowing all that the Minister knows, and all that he ought to know, no such Enquiry could ever be moved for but by the Minister himself, the Absurdity of which I need not explain. But this, my Lords, is not the Rule: When we are considering, whether or no we ought to enquire into a Minister's Conduct, we are to judge from the known Circumstances and Appearances of Things; and if from them his Conduct seems to be suspicious, we ought to resolve upon an Enquiry, and to call for every Thing we think necessary for that Purpose. The Judgment we then form, is not final even as to his Conduct; because, when we enter upon that Enquiry, he will have an Opportunity to justify his Measures, by laying before the House those private Informations which were his Motives for pursuing or advising such Measures; and from these we may find that Conduct to be right, which, according to the public and known Appearances of Things, seemed to be excessively bad.

'This, my Lords, is the only Rule we can lay down to ourselves, in all Deliberations, whether or no we ought to enquire into the Whole, or any Part of a Minister's Conduct. This shall always be my Rule; and according to this, I think myself obliged, both in Duty to my King, and in Duty to my Country, to concur with my noble Friend in the Motion he has made to you.'

Rejected.

The Question was then put upon the said Motion, Content 41, Not Content 58. And it was Resolved in the Negative.

Dissentient.

Dissentient.

' 1. Because we conceive, that there never were Instructions more necessary to be examin'd, than those contain'd in this Question, in order to enable us to discharge our Duty, both as Counsellors to his Majesty, and Guardians of the Nation. Ann. 14 Geo. II.
1740. }
Protest thereon.

' The known and astonishing Inaction, for the Space of above Two Years, of a great and powerful Fleet, fitted out and maintain'd at an immense Expence to the Nation, fixes a heavy Charge either upon the Commander of that Squadron, or upon those who gave him his Instructions. But when we compare the experienced Courage and Abilities of Rear-Admiral *Haddock*, upon all former Occasions, with the inglorious Instructions given by this Administration to the several Admirals employed for these last Twenty Years, we cannot, as at present inform'd, but impute this unaccountable Inaction to the Weakness or Pusillanimity of those, whose Instructions, we are persuaded, he with Concern obey'd. And we are confirm'd in this Opinion, by his being still continued in that Command, which a Disobedience to his Instructions would have forfeited.

' 2. Because we think it necessary, that the House should be fully inform'd, by what fatal Mistake, Negligence, or Design, the *Spanish* Squadron at *Cadix*, so long block'd up in that Port, while they were neither ready, nor the Season of the Year fit for 'em to go out, should have been, by the sudden withdrawing of our Fleet in the *Mediterranean*, permitted to sail without Molestation, as soon as they were fit, and the Season favourable. And we cannot, as at present inform'd, impute that unhappy Measure to Sir *Chaloner Ogle*, since, Orders of that great Importance ought to be conceived in the clearest, plainest, and least ambiguous Terms; which, had he mistaken, he would not have been, as he now is, entrusted with the Command of so great a Fleet, and with the Interpretation of Instructions of still greater Consequence. Nor can we conceive, that the Communication of Orders relating only to Sailing, and the Change of Station, can sufficiently clear up a Point of that great Importance.

' 3. Because we think that the stale Objection, that the Communication of these Instructions may discover to our Enemies intended Designs and Attempts, can have no Weight upon this Occasion, when the Reason for calling for those Instructions, is, because no one Attempt of any Kind whatsoever has been made upon our Enemies in the Course of above two Years; and it is not credible, that, if during that Time, any one Design had been intended, no one Attempt should have been made in Consequence of it. We there-

Ann. 14 Geo. II.

1740.



fore justly may, and only can conceive these Instructions, which we were not allow'd to apply for, to be of the same inactive Nature of those which we have formerly seen flowing from the same languid Source, to the equal Dishonour of his Majesty's Councils and Arms.

4. Because we conceive, that the Denial of these necessary Lights, puts a full Stop to any farther effectual Enquiry into the Conduct of the War; an Enquiry so becoming this House, and so unanimously called for by the Voice of the Nation, that outward Appearances have at once raised the Curiosity, the Astonishment, and the Concern of a brave and a loyal People, willing to sacrifice their Lives and Fortunes for the Honour and Advantage of his Majesty and this Kingdom, in the Prosecution of this just and necessary War: And we conceive that they ought, by the strictest Enquiry, upon the fullest Informations, to have been satisfied as to the past, and secured as to the future. And we think, that all minute Enquiries into the little Abuses of inferior Officers, over whom it is the Duty of the Administration to watch, would be only amusing and deceiving Mankind with the Name of an Enquiry, and descending from our Dignity of Counsellors of the Crown, and Checks of the Administration, to the low Rank of *Inquisitors* into the Conduct of petty and unprotected Offenders. We therefore think, that we have discharged our Duty to his Majesty and the Public, in having moved for those Papers, which we considered as the Foundations absolutely necessary for a proper and effectual Enquiry. We here enter our Dissent upon the Denial of those Papers; the World must then judge of the Conduct of the War, upon the Appearance of Facts and Circumstances; with this considerable, additional Circumstance, *That Lights were denied.*

*Litchfield,
Bridgewater,
Shaftsbury,
Carlisle,
Falmouth,
Abingdon,
Haversham,
Talbot,
Denbigh,
Hallifax,
Bathurst,
Middleton,
Thanet,
Suffolk,
Aylesford,*

*Oxford,
Hereford,
Montjoy,
Greenwich,
Willoughby de Brookes,
Ward,
Northampton,
Chesterfield,
Berkshire,
Gower,
Bristol,
Westmoreland,
Cobham,
R. Lincoln.*

December

December 9, being appointed for taking the Army into Consideration, the Duke of *Argyle* stood up, and spoke to the following Effect.

Ann. 14 Geo. II.

1740.

Debate on the
Army.

' My Lords, as the present Situation of our Affairs may require an Augmentation of our Forces, and, as the Success of our Arms and the Preservation of our Liberties may equally depend upon the Manner in which the new Forces shall be raised, there is, in my Opinion, no Question more worthy the Attention of this August Assembly, than what may be the most proper Method of increasing our Army.

' On this Question, my Lords, I shall offer my own Sentiments with greater Confidence, as there are few Men who have had more Opportunities of being acquainted with it in its whole Extent, as I have spent great Part of my Life in the Field and the Camp. I commanded a Regiment under King *William*, and have long been either the first, or almost the first Man in the Army.

' I hope, my Lords, it will be allowed without Difficulty, that I have at least been educated in the best School of War, and that nothing but natural Incapacity can have hindered me from making some useful Observations upon the Discipline and Government of Armies, and the Advantages and Inconveniencies of the various Plans upon which other Nations regulate their Forces.

' I have always maintained, my Lords, that it is necessary in the present State of the neighbouring Countries to keep up a Body of regular Troops, that we may not be less able to defend ourselves, than our Enemies to attack us.

' It is well known, my Lords, that States must secure themselves by different Means, as they are threatened by Dangers of different Kinds: Policy must be opposed by Policy, and Force by Force; our Fleets must be increased when our Neighbours grow Formidable by their Naval Power, and Armies must be maintained at a Time like this, in which every Prince on the Continent estimates his Greatness by the Number of his Troops.

' But an Army, my Lords, as it is to be admitted only for the Security of the Nation, is to be so regulated, that it may produce the End for which it is established; that it may be useful without Danger, and protect the People without oppressing them.

' To this Purpose, my Lords, it is indispensibly necessary, that the military Subordination be inviolably preserved, and that Discipline be indiscriminately exercised without any partial Indulgence, or malicious Severities; that every Man be pro-

written by Dr.
Johnson.

continued to
23 Feb'y 1743.

vid: 8th Vol:
p. 272 De-
bate on Spirit-
uous Liquors.

Ann. 14. Geo. II. 1740. } moved according to his Desert, and that Military Merit alone give any Pretensions to Military Preferments.

‘ To make the Army yet more useful it ought to be under the sole Command of one Man, exalted to the important Trust by his known Skill, Courage, Justice, and Fidelity, and uncontrouled in the Administration of his Province by any other Authority, a Man enabled by his Experience to distinguish the Deserving, and invested with Power to reward them.

‘ Thus, my Lords, ought an Army to be regulated, to which the Defence of a Nation is entrusted, nor can any other Scheme be formed which will not expose the Public to Dangers more formidable than Revolutions or Invasions. And yet, my Lords, how widely those who have assumed the Direction of Affairs have deviated from this Method is well known. It is known equally to the highest and meanest Officers, that those who have most Opportunities of observing military Merit, have no Power of rewarding it; and therefore every Man endeavours to obtain other Recommendations than those of his Superiors in the Army, and to distinguish himself by other Services than Attention to his Duty, and Obedience to his Commanders.

‘ Our Generals, my Lords, are only Colonels with a higher Title, without Power, and without Command; they can neither make themselves loved nor feared in their Troops, nor have either Reward or Punishment in their Power. What Discipline, my Lords, can be established by Men, whom those, who sometimes act the Farce of Obedience, know to be only Phantoms of Authority, and to be restrained by an arbitrary Minister from the Exercise of those Commissions which they are invested with? And what is an Army without Discipline, Subordination and Obedience? What, but a Rabble of licentious Vagrants, set free from the common Restraints of Decency, exempted from the Necessity of Labour, betrayed by Idleness to Debauchery, and let loose to prey upon the People? Such a Herd can only awe the Villages, and bluster in the Streets, but can never be able to oppose an Enemy, or defend the Nation by which they are supported.

‘ They may, indeed, form a Camp upon some of the neighbouring Heaths, or pass in Review with tolerable Regularity; they may sometimes seize a Smugler, and sometimes assist a Constable with Vigour and Success. But unhappy would be the People who had no other Force to oppose against an Army habituated to Discipline, of which every one founds his Hopes of Honour and Reward upon the Approbation of the Commander.

‘ That

' That no Man will labour to no Purpose, or undergo the Fatigue of military Vigilance, without an adequate Motive ; that no Man will endeavour to learn superfluous Duties, and neglect the easiest Road to Honour and to Wealth, merely for the Sake of encountering Difficulties, is easily to be imagined. And therefore, my Lords, it cannot be conceived, that any Man in the Army will very solicitously apply himself to the Duties of his Profession, of which, when he has learned them, the most accurate Practice will avail him nothing, and on which he must lose that Time which might have been employed in gaining an Interest in a Borough, or in forming an Alliance with some Orator in the Senate.

Ann. 14 Geo. II.
1740.

' For nothing my Lords, is now considered but Parliamentary Interest, nor is any Subordination desired but in the supreme Council of the Kingdom. For the Establishment of this new Regulation the Honours of every Profession are prostituted, and every Commission is become merely nominal. To gratify the Leaders of the ministerial Party, the most despicable Triflers are exalted to an Authority, and those whose Want of Understanding excludes them from any other Employment, are selected for military Commissions.

' No sooner have they taken Possession of their New Command, and gratified, with some Act of Oppression, the Wantonness of new Authority, but they desert their Charge with the Formality of demanding a Permission to be absent, which their Commander dares not deny them. Thus, my Lords, they leave the Care of the Troops, and the Study of the Rules of War, to those unhappy Men, who have no other Claim to Elevation, than Knowledge and Bravery ; and who, for want of Relations in Parliament, are condemned to linger out their Lives at their Quarters, amuse themselves with recounting their Actions and Sufferings in former Wars, and with reading, in the Papers of every Post, the Commissions which are bestowed on those who never saw a Battle.

' For this Reason, my Lords, Preferments in the Army, instead of being consider'd as Proofs of Merit, are look'd on only as Badges of Dependence ; nor can any Thing be inferred from the Promotion of an Officer, but that he is, in some Degree or other, allied to some Member of Parliament, or the leading Voters of a Borough.

' After this Manner, my Lords, has the Army been modelled, and on these Principles has it subsisted for the last and the present Reign : neither myself, nor any other General Officer, have been consulted in the Distribution of Commands, or any Part of military Regulations. Our Armies have known no other Power than that of the Secretary of

War,

Ann. 14 Geo. II. War, who directs all their Motions, and fills up every Vacancy without Opposition, and without Appeal.

1740.

‘ But never, my Lords, was his Power more conspicuous than in raising the Levies of last Year ; never was any Authority more despotically exerted, or more tamely submitted to ; never did any Man more wantonly sport with his Command, or more capriciously dispose of Posts and Preferences ; never did any Tyrant appear to set Censure more openly at Defiance, treat Murmurs and Remonstrances with greater Contempt, or with more Confidence and Security distribute Posts among his Slaves, without any other Reason of Preference, than his own uncontrollable Pleasure.

‘ And surely no Man, my Lords, could have made Choice of such Wretches for military Commands, but to shew, that nothing but his own private Inclinations should influence his Conduct, and that he considered himself as supreme and unaccountable : For we have seen, my Lords, the same Animals To-day cringing behind a Counter, and To-morrow swelling in a military Dress ; we have seen Boys sent from School in Despair of Improvement, and entrusted with military Command ; Fools that cannot learn their Duty, and Children that cannot perform it, have been indiscriminately promoted ; the Dross of the Nation has been swept together to compose our new Forces, and every Man who was too stupid or infamous to learn or carry on a Trade, has been placed, by this great Disposer of Honours, above the Necessity of Application, or the Reach of Censure.

‘ Did not sometimes Indignation, and sometimes Pity, check the Sallies of Mirth, it would not be a disagreeable Entertainment, my Lords, to observe, in the Park, the various Appearances of these raw Commanders, when they are exposing their new Scarlet to view, and strutting with the first Raptures of sudden Elevation ; to see the Mechanic new modelling his Mien, and the Stripling tottering beneath the Weight of his Cockade ; or to hear the Conversation of these new Adventurers, and the instructive Dialogues of School-boys and Shop-keepers.

‘ I take this Opportunity, my Lords, of clearing myself from any Suspicion of having contributed, by my Advice, to this stupendous Collection. I only once interposed with the Recommendation of a young Gentleman who had learned his Profession in two Campaigns among the *Russians* ; and whom, yet, neither his own Desert, nor my Patronage, could advance to a Commission. And, I believe, my Lords, all the other General-Officers were equally unconsulted, and would, if their Advice had been asked, equally have disapproved the Measures that have been pursued.

‘ But

‘ But thus, my Lords, were our new Regiments completed ; Ann. 14 Geo. II.
1740.
in which, of Two hundred and fifty Officers who have subsisted upon Half pay, only Thirty-six have been promoted, though, surely, they might have pleaded a juster Claim to Employment, who had learned their Profession in the Service of their Country, and had long languished in Penury, than those who had neither Knowledge, nor Capacity, who had neither acted, nor suffered, any Thing ; and who might have been destined to the Hammer, or the Plough, without any Disreputation to their Families, or Disappointment to themselves.

‘ I have been told, indeed, my Lords, that to some of these Officers Commissions were offered, which they refused ; and for this Refusal, every Reason is alledged, but the true ; some, indeed, excused themselves as disabled by Age, and Infirmities, from military Service ; nor can any Objection be made to so just a Plea. For how could those be refused in their Age the Comforts of Ease and Repose, who have served their Country with their Youth and Vigour ?

‘ Others there are, my Lords, who refused Commissions upon Motives very different ; in which, nevertheless, some Justice cannot be denied. They who had long studied, and long practised their Profession ; they, who had tried their Courage in the Breach, and given Proofs of their Skill in the Face of the Enemy, refused to obey the Command of Novices, of Tradesmen, and of School-boys : They imagined, my Lords, that they ought to govern those whom they should be obliged to instruct ; and to lead those Troops, whom they must range in Order. But they had forgot that they had out-lived the Time when a Soldier was formed by Study and Experience, and had not heard, in their Retreats, that a Colonel or a Captain was now formed in a Day ; and therefore, when they saw and heard their new Commanders, they retired back to their Half-pay with Surprize and Indignation.

‘ But, my Lords, the Follies of last Year cannot be easily rectified, and are only now to be exposed, that they may not be repeated. If we are now to make new Levies, and increase the Number of our Land-Forces ; it is, in my Opinion, incumbent upon us to consider by what Methods we may best augment our Troops, and how we may be able to resist our foreign Enemies, without exposing the Nation to intestine Miseries, and leaving our Liberties at the Mercy of the Court.

‘ There are, my Lords, two Methods of increasing our Forces ; the first is, that of raising new Regiments ; the other, of adding new Men to those which already subsist.

Ann. 13 Geo. II.
1740.

‘ By raising new Regiments, my Lords, we shall only gratify the Minister with the Distribution of new Commissions, and the Establishment of new Dependants; we shall enlarge the Influence of the Court, and increase the Charge of the Nation, which is already loaded with too many Taxes to support any unnecessary Expence.

‘ By the other Method, of adding a Hundred Men to every Company, we shall not only save the Pay of the Officers, which is no slight Consideration, but, what seems, if the Reports raised by the Ministry, of our present Danger, be true, of far more Importance, shall form the new Forces with more Expedition into regular Troops; for, by distributing them among those who are already instructed in their Duty, we shall give them an Opportunity of hourly Improvement; every Man's Comrade will be his Master, and every one will be ambitious of forming himself by the Example of those who have been in the Army longer than themselves.

‘ If it be objected, my Lords, that the Number of Officers will not then bear a just Proportion to that of the Soldiers, it may be answered, that the Foreign Troops of the greatest Reputation have no greater Number of Officers, as every one must know who is acquainted with the Constitution of the most formidable Armies of *Europe*. Those of the King of *Prussia*, or of the various Nations by which we were assisted in the late War, either as Confederates or Mercenaries, have but few Officers. And I very well remember, my Lords, that whenever they were joined by Parties of our own Nation, the Inequality in the Number of the Officers, produced Contests and Disputes.

‘ The only Troops of *Europe*, my Lords, that swarm with Officers, are those of *France*; but even these have fewer Officers, in proportion to their private Men, in time of War; for when they disband any Part of their Forces, they do not, like us, reduce their Officers to Half-pay, but add them to the Regiments not reduced, that the Families of their Nobility may not be burthened with needy Dependants, and that they may never want Officers for new Levies.

‘ There are many Reasons, my Lords, that make this Practice in *France* more reasonable than it would be in our Kingdom. It is the chief View of their Governors to continue absolute, and therefore their constant Endeavour to keep great Numbers in Dependance; it ought to be our Care to hinder the Increase of the Influence of the Court, and to obstruct all Measures that may extend the Authority of the Ministry; and therefore those Measures are to be pursued, by which Independance and Liberty will be most supported.

‘ It

' It is likewise to be remembered, my Lords, that a *French* Officer is supported with Pay not much larger than that of a private Soldier among us; and that therefore the Argument which arises from the Necessity of Frugality, is not of the same Force in both Nations.

Ann. 14 Geo. II.
1740.

' There is yet another Reason why the *French* are under the Necessity of employing more Officers than any other Nation: The Strength of their Armies consists in their Gentlemen, who cannot be expected to serve without some Command: The common Soldiers of the *French* Army are a mean, spiritless, despicable Herd, fit only to drudge as Pioneers, to raise Entrenchments, and to dig Mines; but without Courage to face an Enemy, or to proceed with Vigour in the Face of Danger.

' Their Gentlemen, my Lords, are of a very different Character; jealous of their Honour, and conscious of their Birth, eager of Distinction, and ambitious of Preferment. They have commonly their Education in the Army, and have no Expectations of acquiring Fortunes equal to their Desires by any other Profession, and are therefore intent upon the Improvement of every Opportunity which is offered them of increasing their Knowledge and exalting their Reputation.

' To the Spirit of these Men, my Lords, are the *French* Armies indebted for all their Victories, and to them is to be attributed the present Perfection of the Art of War. They have the Vigilance and Perseverance of *Romans*, joined with the natural Vivacity and Expedition of their own Nation.

' We are therefore not to wonder, my Lords, that there is in the *French* Armies an Establishment for more Gentlemen than in other Countries, where the Disparity between the military Virtues of the higher and lower Classes of Men is less conspicuous. In the Troops of that Nation nothing is expected but from the Officers, but in ours the common Soldiers meets Danger with equal Intrepidity, and scorns to see himself excelled by his Officer in Courage or in Zeal.

' We are therefore, my Lords, under no Necessity of burdening our Country with the Expence of new Commissions, which in the Army will be superfluous, and in the State dangerous, as they will fill our Parliament with new Dependants, and our Corporations with new Adherents to the Minister, whose steady Perseverance in his favourite Scheme of Parliamentary Subordination will be perhaps the only Occasion of these new Levies, or at least has hindered the right Application of our standing Troops. For what Reason, my Lords, can Invention or Imagination assign, why the Troops who had been for some Time disciplined, were not rather sent to

Ann. 14 Geo. II.

1740.

the Assistance of *Vernon* than the new Marines, except that some of them were commanded by Men, who had obtained Seats in the other House, and who by their settled Adherence and avow'd Fidelity to the Minister, had recommended themselves too powerfully to be rashly exposed in the Service of their Country to the Bullets of the *Spaniards*.

' So great, my Lords, has been the Minister's Regard to Parliamentary Abilities, and so strict his Gratitude to his Friends, that I know of but one Member of the other House that has been hazarded in this Expedition; and he a hopeless, abandon'd Patriot, insensible of the Capacity or Integrity of our Ministry, and whom nothing has been able to reconcile to our late Measures. He therefore who has never exerted himself in Defence of the Ministry, was in his turn thought unworthy of ministerial Protection, and was given up to the Chance of War without Reluctance.

' But I hope your Lordships will concur with me in the Opinion, that it is not always necessary to gratify the Ministry, but that our Country claims some Part of our Regard, and therefore that in establishing our Army we should pursue that Method which may be most accommodated to our Constitution, and instead of imitating the military Policy of the *French*, follow the Example of those Nations by whose Troops they have been conquer'd.

' Had this Scheme been hitherto follow'd, had our new Levies, instead of being put under the Command of Boys, been distributed in just Proportions among the standing Regiments, where they might soon have been qualified for Service by the Inspection of experienced Officers, we might now have seen an Army capable of awing the Court of *Spain* into Submission, or, if our Demands had been still refused, of revenging our Injuries, and punishing those who have insulted and despised us.

' From an Army thus raised and disciplined, Detachments, my Lords, ought to have been sent on board of all our Fleets, and particularly that which is now station'd in the *Mediterranean*, which would not then have coasted about from one Port to another, without hurting or frightening the Enemy, but might by sudden Descents have spread Terror thro' a great Part of the Kingdom, harrassed their Troops by continual Marches, and by frequent IncurSIONs have plunder'd all the maritime Provinces, driven the Inhabitants into the inland Country, and laid the Villages in Ashes.

' There is yet, my Lords, no Appearance of a Peace, for our Success has not enabled us to prescribe Terms, and I hope we are not yet fallen so low as to receive them; it is therefore proper to form such Resolutions as may influence the

the Conduct of the War, and enable us to retrieve the Errors Ann. 14 Geo. II.
of our past Measures.

1740.

‘ The Minister, my Lords, is not without Panegyrics, who may perhaps endeavour to persuade us, that we ought to resign all our Understandings to his superior Wisdom, and blindly trust our Fortunes and our Liberties to his unshaken Integrity. They will, in Proof of his Abilities, produce the wonderful Dexterity and Penetration which the late Negotiations have discover’d, and will confirm the Reputation of his Integrity by the constant Parsimony of all his Schemes, and the Unwillingness with which he, at any Time, increases the Expences of the Nation.

‘ But, my Lords, it is the great Duty of your high Station to watch over the Administration, and to warn those, who are more immediately entrusted with the public Affairs, against Measures which may endanger the Safety or Happiness of the Nation ; and therefore, if I have prov’d to your Lordships, that to raise new Regiments is dangerous to our Liberties, that a Multitude of Officers is of no Use in War, and that an Army may be more expeditiously disciplin’d by adding new Men to every Company, I hope your Lordships will agree to this Resolution which I have drawn up with the utmost Brevity, and of which the Meaning cannot be mistaken.

‘ That the augmenting the Army by raising Regiments, as it is the most unnecessary and most expensive Method of Augmentation, is also the most dangerous to the Liberties of the Nation.’

Moves that the
augmenting the
Army by new
Regiments is
dangerous: De-
bate thereon.

The Duke of Newcastle.

‘ My Lords, As my Education and Employments have afforded me no Opportunities of acquiring any Skill in Military Affairs, it will not be expected by your Lordships, that I should be able to confute the Arguments of the noble Duke, whose acknowledged Superiority in the Art of War, and the Abilities which he has display’d in the Administration of every Province which he has undertaken, give him a Claim to the highest Deference.

‘ But, my Lords, as I cannot assume the Province of disputing on this Question, so I cannot, without longer Consideration, form any Resolution concerning it ; for Arguments may be fallacious, which yet I cannot confute, and to approve without Knowledge is no less weak than to censure.

‘ There is not any present Necessity, my Lords, of forming a Resolution on this Subject ; we are not now call’d upon particularly to consider it, and certainly it cannot be prudent

1740.

4 L 2

Ann. 14 Geo. II. dent, by so determinate a Decision, pronounced without Reflection or Deliberation, to preclude a fuller Examination of this important Question.

1740.

Lord Carteret.

Lord Carteret.

‘ My Lords, the noble Duke who made the present Motion, has supported it by such Strength of Argument, and so fully explained the Advantages of the Method which it tends to recommend, that not only the present Age, but Posterity may probably be indebted to him, for juster Notions of a military Establishment, than have been yet attained even by those whose Profession obliges them to such Enquiries.

‘ Nor, my Lords, could we expect less from his long Experience and extensive Capacity ; Experience gained in the Heat of War and in the Midst of Danger ; a Capacity not only cultivated by solitary Disquisitions in Retirement and Security, but exercised by Difficulties and quickened by Opposition.

‘ Such Abilities, my Lords, matured by such an Education, have justly made the noble Duke the Oracle of War, and procured him the Esteem and Reverence of all the Powers upon Earth.

‘ As I did not receive from my Education any military Knowledge, I am not able to add much to the Arguments which your Lordships have already heard ; but, nevertheless, having been under the Necessity of regulating the Army when I had the Honour to be employed in *Ireland*, and having made in those Countries where I transacted the Business of the Crown, some Observations upon the different Forms of military Establishment, I hope I shall be allowed to offer what my Experience or my Remarks may suggest to me, in Confirmation of the Sentiments of the noble Duke.

‘ When I was in *Ireland*, my Lords, the Troops of that Kingdom consisted of twenty one Regiments, of which ten were, as last Year, brought into *England*, and the *Irish* Forces were to be filled up by new Levies, which were raised in the Manner now proposed, by increasing every Regiment from three hundred and forty to six hundred Men, so that the eleven Regiments, remaining composed a Body of nearly the same Number with the twenty-one Regiments as formerly constituted.

Of the *Swedish* Establishment, my Lords, the Reputation and Success of their Troops are an uncontrovertible Vindication, and I have often had an Opportunity of comparing the Number of Officers with that of ours, and found their pri-

private Men to be far more numerous in Proportion to the *Ann. 14 Geo. II.*
Officers. 1740.

' In *Hanover*, my Lords, I have seen his Majesty's Troops remarkable for the Elegance of their Appearance, and being once asked by the Commander, at what Expence one of those gallant Troopers and his Horse was supported, was told, after confessing my Ignorance, that he cost no more than fourteen Pounds a Year, who could not in this Country be maintained for less than forty.

' I believe, my Lords, that the *French* Forces are not more expensive than those of *Hanover*, and therefore we are by no Means to imitate their Establishment, for the Price of Provisions and Habits of Life do not admit of any Diminution of the Pay of either our Officers or Soldiers, and we can only lessen our Expences by reducing their Numbers, to which I shall for my Part most willingly contribute.

' But as this, my Lords, is not the proper Time for disbanding our Forces, of which the present State of our Affairs may perhaps demand an Augmentation, it is necessary to compare the State of our Forces with that of foreign Troops, and supply, by prudent Methods, the Disadvantages to which we are subject by the peculiar Condition of our Country. For if the *French* can support an Army at a fourth Part of our Expence, what must be the Consequence of a War, supposing the Wealth of the two Nations nearly equal? It will be to little Purpose that we boast, however justly, of the Superiority of our Troops; for though it should be granted that the *British* cannot be refitted by an equal Number, yet it can never be expected that they should conquer Troops four Times as numerous as themselves.

' Thus, my Lords, it appears with all the Evidence of arithmetical Demonstration, that the Method now proposed is highly expedient, nor can any Objection, in my Opinion, be made to the Resolution offered to your Lordships.

' That this is not a proper Time for this Enquiry has been indeed urged; but surely no Time can be more proper than when we may, by a Resolution unanimously passed, regulate, in some Degree, the Conduct of the other House, and hint to them the Opinion of this Assembly on a Question which is perhaps To morrow to be brought before them.'

The Earl of *Cholmondely*.

' My Lords, tho' I was once honoured with a Command *Earl of Chol-*
in the Army, and consequently ought to have attained some *mentley*,
military Knowledge, yet I have so long resigned my Com-
mission, possessed it for so short a Time, and have suffered my
At;

Ann. 14 Geo. II. 1740. { Attention to be diverted from Enquiries on that Subject by Employments of so different a Kind, that I cannot presume to oppose any Knowledge of my own to the Reasons which have been offered ; but I cannot think that the Conclusions drawn by the noble Duke, are so evidently true, as to force Conviction, and exclude all Possibility of Reply ; nor can I conceive it consistent with the Dignity of this Assembly, to yield implicitly to any Man's Assertions, or to pass any Resolution without an accurate Enquiry.

‘ Some Objections, my Lords, arise upon Reflection from my narrow Observation and transient Reading, and these I shall lay before your Lordships, with an open Acknowledgment of my Insufficiency to discuss the Question, and a sincere Desire of being instructed where I may be mistaken.

‘ The Subordination of the Army, my Lords, appears to me in general to be sufficiently maintained, nor is it ever infringed but by particular Partiality, that can never be prevented, or a casual Difference in the Circumstances of the Officers, which, though not relative to the military Characters, will always produce some Degree of Influence.

‘ I know not, my Lords, how the general Regulation of our Forces, and the Distribution of military Honours can be condemned without extending some Degree of Censure to a Person who ought not to be mentioned as concurring in any Measures injurious to the Public. Our Army, my Lords, is maintained by the Parliament, but commanded by the King, who has not either done, or directed any Thing of which his People may justly complain.’

Duke of *Argyle*.

Duke of *Argle*. ‘ My Lords, it is necessary to clear myself from Misrepresentations, and to preserve at the same Time the Order of this House, by reminding the noble Lord, that his Majesty is never to be introduced into our Debates, because he is never to be charged with Wrong ; and by declaring to your Lordships, that I impute no Part of the Errors committed in the Regulation of the Army to his Majesty, but to those Ministers, whose Duty it is to advise him, and whom the Law condemns to answer for the Consequences of their Councils.’

The Earl of *Cholmondely*.

The Earl of *Cholmondely*. ‘ My Lords, if I misrepresented any Assertion of the noble Duke, it was by Misapprehension, or Failure of Memory, and not by Malice or Design ; and if in any other Objections

tions which I shall make, I shall fall into any Error of the same Kind, I desire that it may be ascribed to the same Cause.

Ann. 14 Geo. II.
1740.

‘ The Ignorance and Inexperience of our present Officers have been exposed with great Gaiety of Imagination, and with the true Spirit of satirical Rhetoric, nor can I presume to support them against so formidable Censures. But, my Lords, I cannot discover any Method of protracting the Lives of our old Officers beyond the usual Term, nor of supplying the Loss of those whom Death takes away from the Army, but by substituting others, who, as they have seen no Wars, can have little Experience.

‘ With Regard to the Number of Officers in the Foreign Troops, I have been informed, that they were by an express Stipulation to be constituted in the same Manner with the *British* and *Dutch* Forces.’

The Duke of *Argyle*.

My Lords, As it was my Province in the late War to superintend the Payment of the Foreign Troops, I may be allowed to have some Knowledge of the Establishment, and hope I shall not be imagined to need any Information on that Subject.’

Earl of *Cholmondeley*.

‘ My Lords, I do not presume to dispute any Assertion of the noble Duke, for whose Knowledge I have the highest Veneration, but only to offer such Hints for Enquiry as may be pursued by other Lords of greater Abilities, and to shew, that as some Difficulties may be raised, the Resolution ought not to be agreed to without farther Deliberation; since it not only tends to prescribe the Measures which shall be hereafter taken, and prohibit a Method of raising Forces, which when diligently examined, may perhaps appear most eligible, but to censure the Methods, which, when they were put in Practice the last Year, received the Approbation of the whole Legislature.’

Earl of *Westmoreland*.

‘ My Lords, I have for my own Satisfaction, stated the Difference of the Expence between the two Methods of raising Forces, and find it so great, that the Method proposed by the noble Duke, ought undoubtedly to be preferred.

Ann. 14 Oct. 11. ferred, even tho' it were attended with some Inconvenience, from which he has shewn it to be free.

1740.

' Frugality, my Lords, is one of the chief Virtues of an Administration ; a Virtue, without which, no Government can be long supported ; the public Expence can never be too accurately computed ; or the first Tendency to Profusion too rigorously opposed ; for, as in private Life, so in political Oeconomy, the Demands of Necessity are easily supplied ; but if once the Calls of Wantonness and Caprice are complied with, no Limits can be fixed, nor will any Treasure be sufficient.

' Whether the Borthens, under which the People are now toiling, were all imposed by Necessity, I will not enquire ; but I think, my Lords, we may readily determine, that whatever is not necessary, is cruel and oppressive, and that therefore, since the Expence of raising new Regiments appears at least not to be necessary, it ought to be opposed ; and how can it be opposed more properly or effectually, than by the noble Duke's Resolution.

Lord Hervey.

Lord Hervey.

' My Lords, I do not claim any Superiority of Knowledge in any Affairs that relate to the Public, but have less Acquaintance with the Military Establishment, than with any other Part of the Government, and can therefore neither oppose the Resolution now offered to your Lordship by such Arguments as may deserve your Attention, nor agree to it with that Degree of Conviction, which the Importance of it seems to require.

' That the chief Argument which has been produced against raising new Regiments, is less formidable than it has been represented, will, I believe, appear to your Lordships, when it is considered, that the Officers are always Gentlemen of the first Families in the Kingdom, who, therefore, cannot be supposed voluntarily to give up their Relations and Posterity to the Power of any Ministry, or for the Sake of their Commissions, to betray that Constitution by which their own Properties are secured.

' Whether every other Argument may not with equal Justice be controverted, is not, without longer Consideration, possible to be determined, and therefore it cannot be reasonably expected, that we should agree to the Resolution, which would be only to decide without Examination, and to determine what we don't understand ; for I am under no Apprehension of being imagined to reflect unjustly on this House, in supposing that many of your Lordships may be

Strangers

Strangers to the Question, which, when the last Levies were made, was neither discussed nor proposed, Ann. 14 Geo. II.
1740.

‘ I therefore move, that the previous Question may be put, which may perhaps gain Time sufficient for a more exact Enquiry upon this important Subject:’

Lord Talbot.

‘ My Lords, If in Imitation of some Noble Lords, I profess my Ignorance of the Subject on which I am to speak, may it not yet be allowed me, after the Example of others, to employ the little Knowledge which I have, in the Defence of a Resolution, which appears to have no other Tendency, than the Advantage of the Public, and to shew my Zeal for the Happiness of my Country, though perhaps without the true Knowledge of its Interest? *Lord Talbot.*

‘ The noble Lord, who spoke last, is too great a Master of Eloquence, not to be heard with all the Attention which Pleasure naturally produces, and a Reasoner too formidable not to raise in his Hearers, all the Anxiety, which is produced by the Fear of being deceived by partial Representations, and artful Deductions. I am always afraid, my Lords, lest Error should appear too much like Truth; in the Ornaments which his Lordship’s Imagination may bestow, and lest Sophistry should dazzle my Understanding whilst I imagine myself only guided by the Light of Reason.

‘ I shall therefore endeavour, my Lords, to review his Ornaments, and try whether they owe their Influence to the Force of Truth, or to that of Eloquence.

‘ His Lordship has observed, that the Objections which are now made to the Method of raising new Regiments, were not produced last Year upon a like Occasion. I know not, indeed, what can be inferred from this Assertion; for surely it will not maintain, that an Error once admitted is to become perpetual.

‘ But, my Lords, another Reason may be assigned; for which the Objections that occurred last Year might not be produced. The Ministry after a long Course of disgraceful Negotiations, and artful Delays, were, at length, compelled to a War, by the general Clamours of the whole Nation; but they acted as Men unwilling to execute what they did approve. They proceeded so slowly in their Preparations, and were so languid in all their Motions, that it was evident how willingly they would have improved every Opportunity of retarding the Vengeance which they were forced to threaten; and with what Artifices they would have protracted any Delay, which they could have imputed to those by whom

Ann. 14 Geo. II.
1740.

they were opposed. It was, therefore, to the last Degree improper to embarrass their Measures of themselves sufficiently perplexed, or to lay any Obstacle in the way of those who would gladly be stopped.

‘ That the Army is filled with Gentlemen, is so far, my Lords, from proving that there is nothing to be feared from it, that it is the only Foundation of all our Sollicitude. For none but Gentlemen can injure our Liberties, and while the Posts of the Army are bestowed as Rewards of Parliamentary Slavery, Gentlemen will always be found, who will be corrupted themselves, and can corrupt a Borough; who will purchase a Vote in the House, and sell it for military Preferments. By the Posts of the Army the Parliament may be corrupted, and by the Corruption of the Parliament, the Army be perpetuated.

‘ Those, my Lords, who are the warmest Opponents of the Army, apprehend not any Danger from their Swords, but from their Votes. As they have been of late regulated without Discipline or Subordination, I should not feel much Anxiety at seeing them led on by their new Commanders against a Body of honest Ploughmen united in the Cause of Virtue and of Liberty; I should with great Alacrity draw my Sword against them, and should not doubt of seeing them in a short Time heap’d upon our Fields.

‘ But, my Lords, they are employed to ruin us by a more slow and silent Method; they are directed to influence their Relations in the Parliament, and to suborn the Voters in our small Towns; they are dispersed over the Nation to insill Dependence, and being enslaved themselves, willingly undertake the Propagation of Slavery.

‘ That the Army is instrumental in extending the Influence of the Ministry to the Parliament, cannot be denied, when military Preferments are held no longer, than while he that possesses them, gives a Sanction by his Vote to the Measures of the Court; when no Degree of Merit is sufficient to balance a single Act of Parliamentary Opposition, and when the Nation is rather to be left to the Defence of Boys, than the Minister be suspected of Misconduct.

‘ Could either Bravery or Knowledge, Reputation or past Services, known Fidelity to his Majesty, or the most conspicuous Capacity for high Trust, have secured any Man in the Enjoyment of his Post, the noble Duke who made the Motion, had carried his Command to the Grave, nor had the Nation now been deprived either of his Arms, or of his Councils.

‘ But, as he has now offered his Advice to his Country, and supported his Opinion with Proofs from Reason and
Expe-

Experience, which even those who oppose them have confessed themselves unable to answer; as the Justness of his Reasoning, and the Extent of his Knowledge, have silenced those whose Prejudices will not suffer them to own themselves convinced; let us not, my Lords, reject what we cannot condemn, nor suffer our Country to be defrauded of the Advantage of this Resolution, by that low Parliamentary Craft.—

The Previous Question was then call'd for, upon which the Lord Chancellor spoke to the following Purpose.

Ann. 12 Geo. II.
1740.

Lord Chancellor.

' My Lords, I am far from suspecting that an open Profession of my Inability to examine the Question before us, in its full Extent, will be imputed to an Affectation of Modesty, since any Knowledge of military Affairs could not be acquired in those Stations in which I have been placed, or by those Studies in which the greatest Part of my Life is known to have been spent.

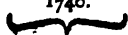
' It will not be expected, my Lords, that I should attempt a formal Confutation of the noble Duke's Positions, or that I should be able to defend my own Opinion against his Knowledge and Experience; nor would I, my Lords, expose myself to the Censure of having harangued upon War in the Presence of *Hannibal*.

' The noble Duke has explained his Sentiments to your Lordships with the utmost Accuracy of Method, and the most instructive Perspicuity of Language; he has enforced them with a Strength of Reasoning rarely to be found, and and with an Extent of Knowledge peculiar to himself. Yet, my Lords, as his Arguments, however powerful in themselves do not strike me with the same Force with which others may be affected, who are more capable of receiving them, I hope that your Lordships will allow me to mention such Objections as occur to me, that in voting on this Question I may at least preserve my Conscience from Violation, and neither adopt the Opinion of another, however great, without Examination, nor obstinately reject the Means of Conviction.

' Every Lord who has spoken, either in Support of the noble Duke's Opinion, or in Opposition to it, has confessed that he is very little acquainted with the Subject of our Debate; and it may not therefore be an improper or useless Attempt, if I endeavour by Objections, however injudicious, or by Arguments however inconclusive, to procure some Illustration of a Question, so important, and at the same Time so little understood.

Ann. 14 Geo. II.

1740.



‘ The Objections, my Lords, which I shall produce, are such as I have heard in Conversation with those whose long Acquaintance with military Employments, give them a just Claim to Authority in all Questions which relate to the Art of War ; among whom I find no Uniformity of Opinion with regard to the most proper Method of augmenting our Forces. And, my Lords, when we observe those to differ in their Sentiments, whose Education, Experience, and Opportunities of Knowledge have been nearly the same, and who have all obtain’d a very great Degree of Reputation in their Profession, what can be inferr’d, but that the Question is, in its own Nature, obscure and difficult ? that it involves a Multitude of Relations, and is diffus’d thro’ a great Variety of Circumstances ? and that therefore it is prudent for every Man, who can judge only upon the Authority of others, to suspend his Opinion ?

‘ The chief Argument, or that at least which impress’d itself most strongly on my Mind, against any Innovation in our military Constitution, was drawn from the Success of our Armies in their present Form, with that Proportion of Soldiers and Officers, which the present Motion tends to abolish. Our Forces, say the Advocates for the present Establishment, have afforded us a sufficient Testimony of the Propriety of their Regulation, by their frequent Victories over Troops, whose Discipline has been studied with the utmost Vigilance, and which have been train’d up to War with a Degree of Attention not disproportion’d to the mighty Design for which they were rais’d, the Subjection of the World, and Attainment of universal Monarchy. These Troops, who have been taught, almost from their Infancy, that Cowardice and Flight are the greatest Crimes, and perswaded by national Prejudices, and Principles studiously instilled, that no foreign Forces could withstand them ; have fled before equal Numbers of *Britons*, and been driven from one Province to another, till, instead of grasping at general Dominion, they were reduced to defend their Wives and Children.

‘ How much of this Success was to be ascribed to that Part of the Regulation which this Motion proposes to be changed, it is not, my Lords, within my Province to determine ; the great Commander whom I have the Honour to oppose, can best explain to your Lordships the Province of every Officer in the Field, and how far the Number of inferior Officers may influence the Success of a Battle, and the Fate of a Kingdom.

‘ But to me, my Lords, the Establishment of our Armies comprising different Views, and connecting various Subordinate Regulations, may be compar’d to a Medicine compos’d

of

of different Ingredients, and found infallibly efficacious in a dangerous Disease, in which, though some of the Parts may seem, to Physicians of the profoundest Learning, superfluous or improper, it would be no less than the Folly of preferring Experiments to Life, to make any Alteration.

Ann. 14 Geo. II.

1740.

The Wantonness of Innovation, my Lords, is a dangerous Disease of the Mind ; in a private Station, it prompts Men to be always discontented with what they find, and to lose the Enjoyment of Good in Search of something better ; it incites them to leave the safe and beaten Tracks of Life, in Search of those which they imagine nearer, but which are at best less secure, and which generally lead them to Points far different from that to which they originally intended to direct their Course.

It is dangerous, my Lords, to admit any Alteration which is not absolutely necessary, for one Innovation makes way for another. The Parts of a Constitution, like a complicated Machine, are fitted to each other, nor can one be chang'd without changing that which corresponds to it. This Necessity is not always foreseen, but when discover'd by Experience, is generally complied with ; for every Man is more inclin'd to hazard further Changes, than to confess himself mistaken by retracting his Scheme. Thus, my Lords, one Change introduces another, till the original Constitution is entirely destroy'd.

By the Ambition of Innovation, my Lords, have almost all those Empires been destroy'd, of which nothing now is left but the Memory. Every human Establishment has its Advantages and its Inconveniencies, and by weak Attempts to remedy these Defects, which, notwithstanding the utmost Attention, will embarrass the Machine of Government, Alterations have been introduced, which have been quickly follow'd by a total Dissolution.

There seem, my Lords, to be few Regulations on which it is more dangerous to make Experiments than on that of the Armies of a Nation. We are sufficiently convinced how much of Success is the Consequence of Courage, and that Courage is on'y an Opinion of our own Superiority, arising from certain Circumstances, either imaginary or real.

The Courage which at present animates our Forces, arises, my Lords, from a very proper Ground, their former Victories over the Enemies which they are now to combat, and will therefore, doubtless, continue while they can consider themselves as enjoying the same Advantage with those particular Men by whom the Victories were obtain'd. But, my Lords, if any essential Part of their Establishment be changed, they will be considered, both by themselves and their

Ann. 14 Geo. II.
1740.

their Enemies, as a different Army, they will then charge with less Alacrity, and be opposed with less Dejection; they will consider themselves as fighting without that Certainty of Success which arises from Experience, and their Enemies will resolve to try, by an obstinate Resistance, whether they are now equally formidable as in their former State.

‘ Thus, my Lords, I have attempted, however weakly, to represent the Arguments which I have heard for the Continuance of the Establishment, of which your Lordships will examine the Validity, and shall now proceed to consider the noble Duke’s System of a military Subordination in Time of Peace.

‘ Whether a standing Army, in Time of Peace, is made necessary by the Change of Conduct in foreign Courts, it is now useless to enquire, but it will be easily granted by your Lordships, that no Motive but Necessity, Necessity absolute and inevitable, ought to influence us to support a standing Body of regular Forces, which have always been accounted dangerous, and generally found destructive to a free People.

‘ The chief Reason, my Lords, of the Danger arising from a standing Army, may be ascribed to the Circumstances by which Men, subject to military Laws, are distinguish’d from other Members of the same Community: They are, by the Nature of martial Government, exposed to Punishments which other Men never incur, and tried by Forms of a different and more rigorous Kind than those which are practised by the Civil Power. They are, if not exempted from the Jurisdiction of the Magistrate, yet subject to another Authority which they see more frequently and more severely exerted, and which, therefore, they fear and reverence in a higher Degree. They, by entering into the Army, lay aside for the most part all Prospect of Advantage from Commerce or Civil Employments, and in a few Years neither fear nor hope any Thing but from the Favour or Displeasure of their own Officers.

‘ For these, my Lords, or for other Reasons, the Soldiers have always been inclin’d to consider themselves as a Body distinct from the rest of the Community, and independent on it, a Government regulated by their own Laws, without Regard to the general Constitution of their Country; they have therefore been ready to subvert the Constitution from which they receiv’d little Advantage, and to oppress the Civil Magistrates for whom they had lost their Reverence.

‘ And how soon, my Lords, might such Outrages be expected from an Army form’d after the Model of the noble Duke, released from the common Obligations of Society, disunited from the Bulk of the Nation, directed solely by their

their own Officers, and ultimately commanded by a Man Ann. 14 Geo. II.
 who had the Right of commanding no other? Would they
 not soon consider themselves as a separate Community, whose
 Interests were, no less than their Laws, peculiar to them-
 selves? Would they not consider him from whom they re-
 ceiv'd all their Rewards and all their Punishments; as the
 proper Object of their supreme Regard, and endeavour to
 exalt him to the same Dominion over others, which he en-
 joy'd in Regard to themselves; that they might share in his
 Superiority?

' A Body of Men, my Lords, thus separated from the rest
 of the People, must consider themselves as either ennobled or
 degraded by such Distinction, and would soon find them-
 selves inclin'd to use the Power of their Arms, either in the
 Exertion of their Privileges, or the Revenge of their Dis-
 grace. Then, my Lords, would they set at Defiance the
 Laws of the Nation, nor would one of these noble Lords be
 able to disband, nor the other to resist them.

' The Army, my Lords, is, in Time of Peace, then best
 regulated when it is kept under the strictest Subordination to
 the Civil Power, that Power which it is instituted to protect
 and to preserve.

' Thus, my Lords, have I examin'd the Proposal and
 Reasons of the noble Duke, perhaps not much to the Infor-
 mation of your Lordships; but it cannot be expected that
 any Capacity should be able, in an unexpected and sudden
 Debate, to dispute on a Subject, which the noble Duke's E-
 ducation gave him particular Opportunities of understanding
 far beyond almost every other Man, and which he has had
 Time to consider with respect to this present Motion.

' For this Reason, my Lords, I cannot but think the pre-
 vious Question highly expedient, but not for this Reason al-
 one; for as the State of the Army and the proper Methods
 of augmenting it, are soon to be examin'd by the other
 House, to prejudice their Determinations may raise a Contest
 about Privileges, and oblige us either to persist, for our own
 Honour, in Opposition to Measures necessary to the Security
 of the Public, or in Compliance with the present Exigence,
 accept their Scheme however opposite to our own Reso-
 lutions.

Lord Carteret.

' My Lords, the known Abilities of that noble Lord, in-
 cline me always to hear him with uncommon Expectation
 and Attention, which seldom fail to be rewarded by such
 Pleasure and Information as few other Men are able to afford.

But

Ann. 12 Geo. 11.

1740.

But his Observations on the Question before us, my Lords, have only convinced me, that the greatest Abilities may be sometimes betrayed into Error, and the most candid Disposition be vitiated by accidental Prejudices. For his own Arguments neither appear just, nor his Representation impartial, of those advanced in favour of the Motion.

‘ With regard to the Number of Officers necessary in time of War, his Lordship asserted nothing from his own Knowledge, nor do I believe that any other Lord will imagine himself qualified to dispute with the noble Duke upon Questions purely Military. His Experience entitles him to the highest Authority, in Debates of this Kind; and if every Man has a Claim to Credit in his own Profession, surely, he who has given Evidence of his Proficiency in the Art of War in the Eyes of the whole World, will not be denied in this House, that Superiority which would readily be allowed him in any other Part of the Universe.

‘ And yet less, my Lords, can it be suspected that he intends to deceive us, than that he can be deceived himself: for not only his Probity, his Love of his Country, and his Fidelity to the Crown, concur to secure him from any Temptations to make an ill Use of his Credit; but his own Interest obliges him to offer that Scheme for the Regulation of our Forces, which in his own Opinion will most certainly contribute to their Success. For, it is not to be doubted, my Lords, that when we shall be engaged in War too far for Negotiations and Conventions, when we shall be surrounded by Enemies, and terrified at the near Approach of Danger, he will be called upon to lead our Armies to Battle; and attack once more those Enemies that have fled so often before him.

‘ Then, my Lords, if he has contributed to form a weak Plan of our military Constitution, must he atone for it with the Loss of his Reputation; that Reputation, for which he has undergone so many Fatigues and been exposed to so many Dangers.

‘ But, my Lords, it is ridiculous to suspect where nothing appears to provoke Suspicion, and I am very far from imagining, that the Dangers of Innovation, however artfully magnified, or the Apprehensions of the Soldiers, however rhetorically represented, will be thought of any Weight.

‘ The Establishment of the Army, my Lords, is an Innovation, and, as the noble Lord has justly represented it, an Innovation that threatens nothing less than the Destruction of our Liberties, and the Dissolution of our Government. Our Vigilance ought therefore, to be very anxiously employed in regulating this new Part of our Government, and adapting

it, in such a manner, to the national Constitution, that no Detriment may arise from it, and that our civil Rights may be protected, not oppressed, by the military Power. Ann. 14 Geo. II.
1740.

‘ To this Purpose, says the noble Lord, the Soldiers are to be restrained by a due Subordination to the Magistrate, a Position undoubtedly true, but now superfluously urged. For it was never controverted by the noble Person whose Opinion he intended to oppose.

‘ Should any Man assert, my Lords, that the Army ought to be formed into a distinct and independent Society, which should receive Laws only from a Council of War, and have no other Governour than their Officers, none should oppose such an Assertion with more Ardour or Constancy than myself, but what was never advanced it is unnecessary to confute.

‘ Yet, my Lords, to obviate those Dangers from the Army which have been so strongly and justly represented, it is necessary, not only that a legal Subordination to the civil Authority be firmly establish’d, but that a personal Dependence on the Ministry be taken away.

‘ How readily Men learn to reverence and obey those on whom their Fortunes depend, has been already shewn by the noble Lord, and therefore it will follow, that a Minister, who distributes Preferments at his pleasure, may acquire such an Influence in the Army, as may be employed to secure himself from Justice by the Destruction of Liberty. And unless it can be proved that no such Minister can ever exist ; that Corruption, Ambition, and Perfidy, have place only in the military Race ; every Argument that shews the Danger of an Army dependent only on the General, will shew the Danger likewise of one dependent only on the Minister.

‘ The Influence of the Minister, my Lords, is known to arise from the Number of the Officers, and to be proportioned to the Value of the Preferment, which it is in his Power to bestow ; It is therefore evident, by adding new Officers to our Army, we shall throw Weight into the Scale, which already is, at least, an equal Balance to our Constitution, and enable the Ministry either to employ an Army in Defence of their Measures, or to obtain such an Influence in the Parliament as shall make any other Security superfluous.

‘ Such, my Lords, is the Danger of a Multitude of Officers, a Danger which surely deserves more Attention, than the imaginary Prejudice of the Soldiers in Favour of the present Establishment ; a Prejudice represented so powerful both in our own Forces, and those of our Enemies, that the future Success of our Arms may probably depend upon it.

Ann. 14 Geo. II.
1740.

' Surely, my Lords, that Cause may be allowed indefensible which such a Patron defends so weakly. What can be more chimerical than to imagine that Men would lay down their Arms, and forsake their Standards, because there are twenty more in a Company than have formerly been? That such a Panic from such a Cause was never found, I need not prove, and I scarce think it necessary to assert, that without supposing a universal Depravity of Reason it never can be found.

' The Establishment proposed by the noble Duke, is the same with that of most foreign Troops, and particularly with that of his Majesty's Forces in his foreign Dominions, and, therefore, cannot but be approved by him, if it should be proposed by your Lordships. For why should he imagine a greater Number of Offices necessary to the Troops of *Great-Britain*, than to those of any other Nation?

' The Expediency of the Motion, my Lords, is in my Opinion so obvious and incontestible, as to require no farther Consideration, and therefore it is no Argument against it, that we were not previously informed of the Question.

' Much less, my Lords, can I discover the Force of the Assertion, that by such a Resolution we shall excite the Displeasure of the other House; we have, my Lords, at least an equal Right with them to examine any Position relating to the public Security, a Right which we may exert with less Danger of disgusting them, while they have yet formed no Determination, and with less Danger to the Nation, than when their Opinion, whatever it may be, cannot be controverted without retarding the important Bill against Mutiny.

' We are never offended, my Lords, at receiving the Opinions of the other House which we often adopt without any Alteration, and often made use of for our own Instruction, and now are become so contemptible as that no Regard should be paid by them to our Resolutions.

' It is well known, my Lords, that this Assembly is an essential and constituent Part of the Legislature of this Kingdom; and that we received from our Ancestors a great Extent of Power, which it ought to be our Care not to suffer to be contracted by Degrees, till this Assembly shall become merely formal, and sit only to ratify implicitly the Determinations of the other House.'

Several other Lords spoke in the Debate, and the previous Question being put, upon a Division, it passed in the Negative. Content 42. Not Content 59. On which Occasion was enter'd the following Protest.

The Motion re-
jected.

Dissentient.

*Dissentient.*Ann. 14 Geo. II.
1740.

' 1. Because we conceive, That this Motion ought not to have been laid aside by the previous Question, the Arguments urged in the Debate against our coming to this Resolution at this Time, being, in our Opinion, highly insufficient; since we cannot apprehend what further Lights could be had with Relation to the several Propositions contained in the Question, than those we receiv'd in the Debate, authorized by the Usage of almost all the Nations in *Europe*; nor were there any particular Papers pointed out, as necessary for the Information of the House; and we thought this the properest Time to come to this Resolution, before any Steps were taken as to the Method of making the intended Augmentation.

' 2. Because it was proved in the Debate, and universally admitted, that the Augmentation of our Land-Forces, by the raising of new Corps, was, by near one Third, a more expensive Manner of Augmenting, than by additional Men to Companies. A Consideration which, in our Opinion, ought to have the greatest Weight, at this Time, when the Nation is engaged in a new War, and still groaning under all the Burthen of the last, though after Thirty Year's Peace.

' 3. Because, considering that the Oeconomy of Augmenting the Forces by additional Men to Companies, was admitted, that the Utility of it was not disproved, we cannot help suspecting, that the raising of new Corps at this Time, when the Election of a new Parliament draws so near, may be of a dangerous Tendency to the Constitution of this Kingdom, and relate more to Civil than Military Service, especially since there are now no Officers to be found (the Officers now remaining upon Half-pay, having been already judged, by the Administration, unfit for Service) it is, in our Opinion, opening a Door to introduce a large Body of Commission'd Pensioners. These Suspicions are strengthened by the Experience we have had, That no Rank has been either above, or below Ministerial Resentment, and the Severity of Parliamentary Discipline; and we must with Concern observe, that the Honour of the Nation, and the Fate of this important War, has been entrusted to raw and new levied Troops, in order, as we apprehend, to keep the others at Home, only for Civil Purposes.'

*Westmoreland, Northampton, Shaftsbury, Suffolk,
Abington, Chesterfield, Halifax, Carlisle, Wil-
loughby de Brooke, Oxford, Greenwich, Bath-
urst,*

1740.

4 N 2

Ann. 14 Geo. II.
1740.

iburst, Cobham, Middleton, Gower, Bridgwater, Hereford, Bristol, Litchfield, Thanet, Berksbir:, Aylesford, Talbot, Haversham.

Motion for Admiral *Vernon's* Representations for more Ships, &c.

January 28, 1740-1. it was moved to resolve, ' That an humble Address be presented to his Majesty, that he will be graciously pleased to give Directions to the proper Officers, to lay before this House, such Representations, as have been made by Vice-Admiral *Vernon*, in any of his Letters to his Majesty's Principal Secretaries of State, or to the Commissioners of the Admiralty, in relation to the want of more Ships, or more Men, or any Intimations of Service he could have performed, if he had been supply'd with a few more Ships, and some Land-Forces.'

Rejected.

The same was objected to, and after Debate thereupon, the Question was put, Whether such an Address shall be presented to his Majesty ? It was resolved in the Negative. Content 44. Not Content 71.

Dissentient'

Protest thereon.

' Because we conceive, that the House entered into this Enquiry, with a View to form a proper Judgment on the Conduct of the War; and some Extracts of Letters, have been laid before us, but such, as we apprehend, do not even answer the Demand of the House much less the End of the Enquiry: yet it appears plainly, from those few Extracts, that Admiral *Vernon* has made frequent and grievous Complaints of the Insufficiency of his Stores, and has represented them as fit only for a *Spithead Expedition*: We have therefore the strongest Grounds to be persuaded, that in some of his Letters, he has made Demands of more Ships, and more Men, tho' nothing relating to those Articles has been laid before us hitherto. Had he been sent out with a greater Force at first, or had fresh Succours of Ships and Men with proper Stores, been sent after him in due time, we are firmly of Opinion, that he would have gain'd such further Advantages as might long before now have proved *Decisive*. By the dilatory Proceeding of the Administration, as it appears to us, the Scene is much changed; the *Spanish Fleet* has been suffer'd to sail out of their Ports, to carry Supplies of all Kinds to their Garrisons; Opportunity has been given them to repair their Fortifications in *America*; and, which is still of more Consequence, as we fear, to procure the Assistance of another Power, who was not ready, if willing, at that time, to give us any Disturbance in those Parts.'

Greenwich,

Greenwich, Berkshire, Exeter, Bathurst, Shaftsbury, Mansel, Bridgwater, Foley, Thanet, Carlisle, Middleton, Montjoy, Bruce, Suffolk, Westmoreland, Gower, Haversham, Ker, Aylesford, Buccleugh, Cobham, Beaufort, Hereford, Denbigh, Abingdon, Litchfield.

Ann. 14 Geo. II.
1740.

Then it was proposed to order, that a Secret Committee be appointed to enquire into the Conduct of the War, consisting of all the Lords of this House who are of his Majesty's most Honourable Privy-Council. Which being objected to, after further Debate, the Question was put upon the second Proposition, and it was resolved in the Negative. Content 43. *Rejected.*
Not Content 68.

Dissentient

1. Because the Necessity of Secrecy, and the Danger of communicating Matters of Importance, to so numerous an Assembly as this House, having been constantly urged as the only Arguments, for refusing the Lights absolutely necessary for carrying on, with any Hopes of Success, our Enquiry into the unaccountable Conduct of the War, we thought the proposing of this Committee would fully have obviated those Objections by confining the Knowledge of those Secrets, (if any such there be amongst those who by the Constitution are supposed and appointed to be informed of them) and the Negative put upon this Motion, gives us but too just Reason to suspect, that the most material Transactions; with relation to this War, have even been concealed from those, who, by their Situations, ought, in the very first Instance, to have been consulted.

2. Because the so often urged Argument of Secrecy proves too much, and may as often without, as with Reason, be used in Bar of all Enquiries, that any Administration, conscious either of their Guilt, or their Ignorance, may desire to defeat. It may not only prove the Security, but the Cause of a Sole Minister, Secrecy, being undoubtedly best observed by one; and such a Sole Minister, may, by the same Reasoning, as well refuse the Communication of Measures to the rest of his Majesty's Council, and thereby engross a Power inconsistent with, and fatal to, this Constitution; and we cannot help observing, that such a timorous and a scrupulous Secrecy, is much oftener the Refuge of Guilt, than the Resort of Innocence. X

Signed by the same Lords as before.

Ann. 14 Geo. II.
1740.



Feb. 3. 1740-1. The Order of the Day being read, for taking into Consideration the several Estimates of the Charge of the Guards, Garrisons, and other Land-Forces, the Charge of his Majesty's Forces in the Plantations, *Minorca* and *Gibraltar*, and the Charge of Seven Regiments of Foot, and four Regiments of Marines, to be raised for the Year 1741, laid before this House, the 19th of *January* last.

Motion for an
Address against
the intended
Augmentation of
the Army, &c.

It was moved to resolve, 'That an humble Address be presented to his Majesty, humbly representing to his Majesty, that this House cannot conceive the intended Augmentation of Land-Forces, to be necessary, either from the present Situation of Affairs in *Europe*, or from any Lights they have received; such as have always been thought necessary by our Ancestors, to justify the laying any extraordinary Burthens on the Subject: And most humbly to beseech his Majesty, that if he should however think so great an Augmentation absolutely necessary, he will, at least, be graciously pleased, as well for the present, as for the future Ease of his Subjects, to order it to be made in the most frugal Manner, by such an Addition of private Men to the present Regiments, as his Majesty, from his own Wisdom and Knowledge of the Practice of most other Countries, may judge to be most proper for Military Service, and least dangerous to this Constitution.'

Rejected.

Which being objected to, after long Debate thereupon, the Question was put, whether such an Address shall be presented to his Majesty? It was resolved in the Negative. Content 49. Not Content 67.

Dissentient

Protest thereon.

1. Because we conceive, that nothing less than an evident and absolute Necessity should prevail with us, to consent to any Augmentation of our Land-Forces, which in our Opinions are, at present, fully sufficient for any good Purposes, either abroad, or at home; being very near equal to the highest Establishment, during the whole Course of the last general War; the National Troops now subsisting (exclusive of those in *Ireland*) amount to 51515 Effective Men: Whereas our greatest Number of National Troops, in the last War, was but 67000 Men, including the Non-Effectives; which, reduced to the Foot of our present Establishment, makes but 57000 Effective Men; and the present intended Augmentation of 10325 Men, is such an exceeding as can only be authoriz'd by the like public Dangers; which Dangers not appearing to us, either from the Debate, or from any Information we have obtained, we are unwilling to trust
more

more Force in the Hand of an Administration, which (as Ann. 14 Geo. II. far as we are able to recollect) have not hitherto employ'd any they have been so trusted with to the Honour and Advantage of the Nation. Extraordinary Trust and Confidence ought, as we apprehend, only to be placed in such, who, by the Experience of their past Conduct, have justly established their Credit, and entitled themselves to be so trusted. But when we look back upon the several Augmentations within these last Twenty Years, demanded and granted upon Causes more strongly asserted, than clearly proved, but visibly without any good End ever attained: and particularly when we reflect that by a most unaccountable Fluctuation and Contrariety of Measures, a very great Augmentation was made in the Year 1727, to act in Conjunction with France, against the House of Austria, for whose Defence the present Augmentation is said to be principally intended: We thought it our Duty to endeavour to prevent any unnecessary Increase of our Land-Forces, not being influenced either by the pretended Apprehensions, or real Fears of an Administration, the Boldest in Domestic, but, as we apprehend, the most Pusillanimous in Foreign Transactions.

2. Because we conceive, that Dangers alledged from Disaffection at Home, are, in a great Measure, groundless; no Symptoms of such Disaffection having appear'd for many Years, and the Principles upon which it was formerly grounded, being almost universally worn out and exploded. And we think it highly necessary to distinguish between Disaffection arising only from the Conduct of the Administration, and Disaffection to his Majesty and his Royal Family, tho' some may desire to blend them. For had the present General Dissatisfaction at the inglorious, tho' burthenfome Measures of the Administration, been, in truth, Disaffection to his Majesty, as hath been often falsely suggested by those who desire to confound his Cause with their own, twice the Number of Troops now proposed would not be sufficient to secure the Peace of the Kingdom; but, on the contrary, we are persuaded, that the Duty and Loyalty of the Nation to his Majesty and his Royal Family, and their Hopes from his Virtues, have check'd and kept the Dissatisfaction against the Administration within the due Bounds of Concern and Lamentation.

3. Because, considering the Advantage of our Situation, as an Island, and our Superiority at Sea, it is impossible for us to think ourselves in any Danger of an Invasion from Spain, even if those Fleets were now in their Ports, which we suffer'd them to send to America: Nor can we conceive, that about 28,000 effective Men, now actually in this Kingdom,

Ann. 14 Dec. 1740.



dom, with all the Advantages of Horse and Artillery, is not Force sufficient to secure us from any Body of Foot, that any other Power could possibly land on our Coasts by Surprise. And, as for any great Embarkation, it can neither be made on a sudden, nor in secret; we must have timely Notice to provide superior Fleets (which, in such a Case, we presume, would be allow'd to act) to strengthen our own Corps, and render such an Attempt wholly impracticable: In which Opinion we are the more confirmed, because that in the most glorious Year of the last War, when the Duke of *Marlborough* and his Army were in the middle of *Germany*, out of the Reach of giving us any Assistance at Home, it was not thought necessary, by the wise Administration of that Time, to keep above 9000 Men in this Island, for our Defence against *France*, then irritated by our Successes; and surely, three times that Number must be now abundantly sufficient, unless more are wanted for Purposes not thought of by former Administrations, nor yet openly avow'd by this.

' Because, whatever Demands may be made upon us by our Allies on the Continent, we conceive may be answered by the Foreign Troops now in our Pay; and should any further Assistance to them be necessary, it will not only be cheaper, and safer to us, but more advantageous and agreeable to those Powers themselves, that we should furnish our Quota's in Money, with which they may raise a greater Number of Men than we are obliged to supply.

' 5. Because it has been undeniably proved, that this Method of Augmentation by new Corps, is, by one third, more expensive than that of adding private Men to Companies; the Expence of raising those 5705 Men amounting to 116,322 *l.* 14 *s.* 2 *d.* whereas 5780, raised by additional Men to Companies, with a Second Lieutenant to each Company, would have amounted but to 86,992 *l.* 15 *s.* which would be not only a present Saving of 29,329 *l.* but a future Saving of 10,134 *l.* *per Annum*, upon the Half pay of the Officers of those Seven Regiments, the few Officers taken out of the Half-pay only excepted. And we think, that at a Time when the Public Expence is so very considerable, the strictest Oeconomy is requisite, the better to enable a burden'd and indebted Nation to continue those Expences, that may be more necessary to be borne, than easy to be supply'd. And, as to the Advantage of the Service, the Facts plainly proved in the Debate, together with the Practice of most other Nations in *Europe*, and, in particular, of his Majesty's Electoral Dominions, convince us, that if this Augmentation was made by additional Men to Companies, with a proper increase of Serjeants and Corporals, the Military Service, at least,

least, for which alone it ought to be intended, would be better carried on than by the Methods now to be pursued.

Ann. 14 Geo. III
1740.

6. Because Arguments drawn from the Usage of *France*, we conceive, do not hold with relation to us, it being well known, that the Expence of 150,000 *French* Troops do not amount to more than 500,000 *English*; that their Government, tho' once limited, is now Absolute and Military. That the Poverty of their numerous Nobility forces most of them into the Army, where the Court is glad to engage and keep them in Dependance; and that no Danger can arise to that Constitution from the Civil Influence, which may attend such an Establishment, their Parliament being only nominated by the Crown, and long since reduc'd, by Ministerial Arts, from their original Power and Dignity, to be no more than Courts of Justice and Revenue.

7. Because we apprehend that this Method of Augmentation by new Corps, may be attended with Consequences fatal in Time to our Constitution, by increasing the Number of Commissions which may be disposed of with Regard to parliamentary Influence only. And when we look back upon the Conduct of the Administration, in relation to military Affairs, we have but too much Reason to suspect, that parliamentary Considerations have of late been the principal Causes of Favour and Disgrace. We have lately too, seen new raised, raw, and undisciplined Regiments sent abroad upon the most important Services, and others, seemingly much fitter for such Services, peaceably entamped at home, for no other Reason, as is generally supposed, than the different Situation of the respective Officers of the several Corps: But this, at least, is certain, that in all the new-raised Regiments sent to *America*, there is but one single Member of Parliament which could hardly have been the Case of any equal Number of Regiments in the whole Service. And what further induces us to entertain those Suspicions is, that this Method of Augmentation, by one Third the most Expensive, and by no Means proved to be the most conducive to the Service, should be preferred at this Time, when an OEconomy proportioned to the Greatness of our Expences, seems particularly requisite; since the War, by our Inaction hitherto, and the Advantages thereby given to the Enemy, may now probably be of long Duration, if not of doubtful Success. Our Distrust of the Motives of this Augmentation, which creates at once 370 Officers, which by the Removals in the Army may occasion three Times that Number of new Commissions, ought to be the greater, and our Care to prevent the ill Effects of it the more vigilant, so near the Election of a new Parliament; a Crisis, when any Increase of Influence

Ann. 14 Geo. II.
1740.



ence gained to a Minister, may give a decisive and incurable Wound to this Constitution. And we cannot forget that an Augmentation of 8040 Men was likewise made the very Year of the Elections of the present Parliament, by bringing over eight Regiments from *Ireland*, and by additional Men to Corps in *Britain*, which Time has since shewn were never intended for foreign Service, though they were said to be designed for the Preservation of the Dominions of the House of *Austria*, which we then lay under the same Engagements both of Interest and Treaties to defend. The Number of Officers in Parliament has gradually increased, and is now more considerable than ever; and though we think the Gentlemen of the Army as little liable to undue Influence as any other Body of Men, yet we think it would be very imprudent to trust the very Fundamentals of our Constitution, the Independency of Parliaments, to the uncertain Effects of Ministerial Favour or Resentment. And as it is well known that the four eldest Officers of the Army (the only Officers who have served in any high Rank abroad) are now displaced, without any Crime having ever been alledged against them, we have great Cause to dread, that an Army thus circumstanced, and thus influenced, would, in each Capacity, be fatal to our Liberties, since Ministerial Art in Parliaments can alone destroy the Essence of our Constitution, and open Violence alone, the Forms of it.

Ward, Buccleugh, Denbigh, Westmoreland, Exeter, Bridgwater, Greenwich, Bristol, Berkshire, Falmouth, Abingdon, R. Lincoln, Montjoy, Aylesford, Chesterfield, Halifax, Shaftsbury, Cobham, Bathurst, Litchfield, Beaufort, Macclesfield, Bruce, Bedford, Gower, Carlisle, Foley, Thanet, Ker, Hereford, Mansel, Masbam, Talbot, Haversham,

February 10, 1740-1, it was moved to resolve,

Motion for all
Papers, &c. re-
lating to the
Convention.

‘ That an humble Address be presented to his Majesty, that he will be graciously pleased to give Directions to the proper Officers to lay before this House all the Powers, Instructions, Memorials, Letters and Papers relating to the Convention concluded between *Great Britain* and *Spain*, dated at the *Pardo*, *January* 14, 1739, N. S.’

Rejected.

A Question was stated upon the said Motion. After Debate the Question was put, Whether such an Address shall be presented to his Majesty? It was resolved in the Negative. Contents 46. Not Contents 67.

Dis-

Dissentient

Ann. 14 Geo. II.

1740.

Protect thereon,

1. Because we thought an Enquiry into a Transaction of such great Importance to the Honour, Trade and Rights of this Nation, not only necessary, but totally free from all the Objections usually made to the Calling for Papers. The Convention having been concluded in *January, 1739*, and War having been since declared against *Spain*, so that we cannot conceive, that any Discovery prejudicial to this Nation, or advantageous to any other, can possibly result from an Examination into the minutest Particles of that Negotiation; but we rather apprehend from the manifest Unwillingness of the Administration to lay any such Lights before us, that Discoveries of another Nature would be the necessary Consequence of the Communication of the Papers called for in this Question.

2. Because, when we compare the Conduct of the Administration thro' the whole Course of the *Spanish* Affairs, with several Circumstances that have accidentally appeared to the Public, we conceive every Part of that Conduct liable to just Suspicions of one Kind or other. The repeated Applications of the Merchants, both to the Crown and to Parliament, for Reparation for the past Losses, and future Security for their Trade, the universal Cries of the Nation upon their insulted Honour and violated Rights, the several Addresses of Parliament to the Crown, and the gracious Answers and Assurances given by the Crown in Return, seemed all to promise a just (and at that Time easy) Vengeance by the Force of our Arms, or an effectual Reparation of past and solid Security against future Injuries, by an advantageous Treaty of Peace, whereas a Convention only was concluded, by which a scanty and insufficient Reparation for our injured Merchants was stipulated, and our most essential and undoubted Rights of a free Navigation to the *West-Indies* without Search or Molestation, was at most referred to the future Discussion of Plenipotentiaries, if even it was ever mentioned at all.

3. Because it has been asserted in a public Paper dispersed all over *Europe* by the Court of *Spain*, that our Pretension to a free Navigation was never so much as mentioned by our Ministers, till the Conferences arising in Consequence of the Convention, and that the Demand was never made in Form till *July 1739*, which was after the Convention was broke by the Non-Payment of the Money stipulated on the appointed 24th of *May*, and though we are far from asserting the Contents of such Papers to be true, yet, as they cannot but raise some Doubt, that alone, in a Matter of such great national Consequence, seems to be a sufficient

Ann. 14 Geo. II.
1740.

Reason for a strict Enquiry, especially since we cannot see any Advantage that could arise to the King of *Spain* from asserting these Facts, if they were not true; but on the other Hand we see very strong Reasons why the Administration should desire to conceal them, if they are true.

4. Because if the bare Supposition of Cases that may possibly exist, is to be used as an Argument why the House should not apply for Lights, we conceive that the Supposition of other Cases equally possible, and it may be more probable, is as good an Argument why the House should apply for such Informations; consequently, if we suppose that the Convention concluded at *Madrid*, Jan. 14, 1739, was originally negotiated and executed at *London* in August 1738, with the *Spanish* Minister then residing here, but that upon *Spain's* inserting in the Body of the Ratifications of that Convention, an Act obliging our *South-Sea* Company to pay the Sum of sixty-eight thousand Pounds towards the Reparation to be made to our Merchants, which Act was then intended to be kept secret, though since discovered by the necessary Communication of it to the *South-Sea* Company, and their Non-compliance therewith; if we suppose that thereupon the same Treaty was re-executed by our Minister at *Madrid*, who was instructed at the same Time, to consent to an Act of the same Import, but varied only so as to conceal it; and if we further suppose that this Sacrifice of the *South-Sea* Company was originally proposed by one *English* Minister to the *Spanish* Minister, and upon his accepting it, rejected in an Office-letter by another *English* Minister, tho' afterwards brought into Execution; and if these Suppositions are in a great measure confirmed by some of Mr. *Keen's* Letters, which have been made public, we conceive such Transactions ought not to be buried in Oblivion, and the Author and his Accomplices remain uncensured.

5. Because we conceive the Argument of its being too late in Point of Time, can be of no Force, and only tends to prove that the House will think no Time proper for calling for such Papers. Some have been refused to be called for by the House, because they related to the present Time, and whilst Matters were in Transaction, a Discovery might be dangerous; others, because they related to future Operations, and there also a Discovery of Designs might be detrimental. The present Motion related to Matters entirely pass'd, which being rejected, we must give up all further Hopes of receiving any Lights, relating either to past, to present, or to future Transactions. Posterity must therefore be convinced, that we have been reduced to the Necessity

of

of taking Matters in the Gross, and of weighing the Sum of *Ann. 14 Geo. II.*
Things, since the Particulars are hid from our Sight.' 1740.

*Carlisle, Bruce, Bathurst, Northampton, Ma-
foam, Aylesford, Suffolk, Ker, Macclesfield,
Mansel, Falmouth, Ward, Gower, Westmore-
land, Hereford, Cobham, Exeter, Litchfield,
Greenwich, Clinton, Beaufort.*

Feb. 13. The remarkable * Debate, which lasted two Days, upon the following Question, *viz.* 'Whether an hum-
ble Address should be presented to his Majesty, that he would
be graciously pleased to remove the Right Honourable Sir Ro-
bert Walpole, Knight of the most noble Order of the Garter,
first Commissioner for executing the Office of Treasurer of
the Exchequer, Chancellor and Under-Treasurer of the Ex-
chequer, and one of his Majesty's most honourable Privy-
Council, from his Majesty's Presence and Councils for ever,
was thus open'd by the Lord Carteret. Debate on this
Motion for re-
moving Sir Ro-
bert Walpole, &c.

'My Lords, I have a Motion to make to your Lordships, which, as a Friend to our present happy Establishment, as a
Friend to his most gracious Majesty now upon the Throne,
as a Friend to my Country, and as a Member of this House,
I think I am in Duty bound to make; but, as it is a Motion
of an extraordinary, though not an unprecedented Nature, I
must first beg Leave to shew you my Reasons for making it,
and, I hope to shew such Reasons, as will induce every Lord
of this House to think, that it is now absolutely necessary to
comply with it. The Lord Car-
teret.

'My Lords, it is the Duty of Parliament, and especially
of this House, to give our Sovereign our most sincere Advice,
not only when it is ask'd, but often when it is not desired by
the Crown. As Members of this House, we are in Duty
bound to have a watchful Eye over the public Measures his
Majesty is advis'd to pursue, and over the chief Ministers
he is pleas'd to employ in the Administration of public Af-
fairs; and when we are of Opinion, that the Measures he
is advis'd to pursue are wrong, or that the Ministers he is
pleas'd to employ are weak or wicked, it is our Duty and
our Business, while we sit here, to warn our Sovereign of
his Danger, and to remove weak or wicked Counsellors from
about his Throne. As to the Parliamentary Methods of re-
moving a Minister, I need not acquaint your Lordships that
they

* For that of the Commons on the same Question, see *Grand. Hist.*
Ann. 14 Geo. II. 1740. p. 65.

Ann. 14 Geo. II.
1740.

they are of several Kinds, and that all but one tend to punish as well as remove. When we proceed by Impeachment, by Bill of Attainder, or by Bill of Pains and Penalties, the Design is to punish as well as remove; but there is another Way of Proceeding in Parliament, which tends only to remove the Minister from the King's Councils, without inflicting any real Punishment upon him, and that is, by an humble Address to our Sovereign, that he would be graciously pleased to remove such a one from his Councils.

'I believe, my Lords, it will not be questioned, that either House of Parliament may offer such Advice to the Crown by way of humble Address; I believe it will not be said, that it is unusual, or unprecedented; and therefore I shall not trouble your Lordships, with calling to your Remembrance, any of the Precedents that may be found in the Journals of Parliament. I shall only take Notice of the Difference between the Methods of proceeding by Impeachment, by Bill of Attainder, or Bill of Pains and Penalties; and this Method of Proceeding, by Way of humble Address to the Crown. When we proceed by Impeachment, by Bill of Attainder, or by Bill of Pains and Penalties, some particular criminal Facts must be alledged, and there must be some sort of Proof of those Facts? but when we proceed by Way of Address to the King, that he would be graciously pleased to remove such a Minister from his Councils, a general View of that Minister's Conduct, a general View of public Affairs, may afford just Cause for such an Address, and common Fame is a sufficient Proof; for when no particular Fact is insisted on, it is impossible to bring any particular Proof. This, my Lords, is the Difference; and the Reason of this Difference it very plain. When a Man is to be punished, either in his Person, his Freedom, or Estate, some Crime, or criminal Neglect, ought to be not only alledged, but proved by a legal Proof, or by strong Presumptions; but as his not being employed in the King's Councils neither affects his Person, his Freedom, nor his Estate, therefore Weakness alone, or a general bad Character, may be a good Cause for removing him. A weak Man is certainly, in any Country, very unfit for being in the King's Councils: and, in a popular Government, a Man who has incurred the general Odium of the People, ought not to be continued in the King's Councils, because the Unpopularity of the Minister may at last affect the Throne itself, and render the People disaffected to their Sovereign.

'I must therefore desire your Lordships to take particular care to distinguish between the Method of Proceeding against a Minister by Impeachment, by Bill of Attainder, or Bill of Pains

Pains and Penalties, and the Method of Proceeding against a Minister by Address only ; because, if you do not take care to fix this Distinction in your Minds, you may expect from me what I do not intend to give, and what the Nature of the Motion I am to make, renders it not only unnecessary, but unfit for me to give. I am to move only for an humble Address to his Majesty, that he would be graciously pleased to remove a Minister, I may say, The Minister, from his Councils ; and therefore, it is both unnecessary, and unfit for me, to charge that Minister with any particular Crime, or to acquaint your Lordships that I have, and am ready to produce particular Proofs against him. If this were my Intention, I should think it below my Dignity, as a Member of this House, to content myself with moving for an humble Address ; I should think it incumbent upon me directly to impeach, let the Consequence be what it would. Therefore your Lordships are not to expect, that I am to accuse any Minister of a particular Crime, or that I am to tell you, that I am ready to bring Proofs of what I alledge against him. If I can shew that the Affairs of *Europe* have been brought into the unlucky Situation in which they are at present, by the Conduct of this Nation ; or if I can shew, that the distressed Condition in which our People now are, is wholly owing to our own Conduct ; either of these will be an Argument that must, that ought at least, to prevail with every Lord who is convinced, that this Minister has been the principal, if not the sole Adviser of that Conduct. If the People be generally dissatisfied with the late Conduct of our public Affairs, and if that general Dissatisfaction be wholly directed against any one Man in the Administration, as our Government is still, I hope, a popular Government, it is a sufficient Cause for this House to let his Majesty know the Character of his Minister, by an Address to remove him from his Councils. If there be any one of his Majesty's Ministers that has usurped, or that even is generally thought to have usurped the sole Power of directing all public Affairs, and recommending to all public Posts, Honours and Employments, it is our Duty, at least, to address his Majesty to remove such a Minister, because such a one is inconsistent with the Constitution of our Government.

Ann. 14 Geo. II.
1740.

Upon this Question, my Lords, it signifies nothing whether the general Character the Minister has gained, or the Misconduct he has been guilty of, has been owing to his Weakness, or his Wickedness ; for either is a sufficient Cause for having him removed. But I must observe, that till he is removed, it cannot be made manifest by proper Proofs, whether his Misconduct, or his general bad Character, be
owing

Ann. 14 Geo. II.

1740.



owing to his Weakness or Wickedness ; for artful Ministers always act by Tools and under Agents, who, whilst their Patron is in Power, will never reveal the flagitious Secrets committed by him to their Charge ; but as such Men are seldom faithful any longer than it is their Interest to be so, remove the Minister once from the King's Councils, put it out of his Power to reward the wicked Fidelity of his Associates and Tools, and the secret History of his dirty Jobs will then begin to unfold itself, and may be made manifest by a legal Proof. Suppose the King should be advised by a favourite Minister to keep up a constant Friendship and Alliance with the greatest Rivals and most inveterate Enemies of his Country ; and that he should for this Purpose sacrifice the Interest, and forfeit the Friendship of its most natural Allies : Whilst the Minister is in Power, this may seem to proceed from his Weakness, or from his Ignorance of the true Interest of his Country ; but remove him from the Person and Councils of his Sovereign, and then it may appear to have proceeded from his Wickedness : It may appear that he was corrupted by the Enemies of his Country, or that he knowingly and wickedly sacrificed the Interest of his Country to some private View of his own : If he employed any one in transacting or receiving the Bribe, if he ever was so free in Conversation with his Friends as to unfold the Motives for his Misconduct, or the Reasons why he gave such wicked Advice to his Sovereign, some of them, either for Conscience or Interest, may be induced to discover the Secret, when it is safe for them to do so ; but whilst he continues solely to enjoy the Ear of his Sovereign, it can never be any Man's Interest to accuse him, it will always be unsafe for a private Man to do so ; because the Power of the Crown will be employed in blasting the Credit, or preventing the Effect of his Evidence ; and probably in making the Punishment fall, not upon the guilty Minister, but upon the brave and honest Accuser. The Case of the Earl of *Bristol* in King *Charles* I's Time, may shew, how dangerous it is to accuse a favourite Minister, whilst he is in the Zenith of his Power and Interest at Court. Nothing could be more just than the Accusation brought by that Earl against the Duke of *Buckingham*, yet it produced an Accusation of High Treason against that Earl, in which the King himself was the Accuser, and his Attorney General the Prosecutor. This was a most terrible Situation which that noble Earl was brought into by his Fidelity to his Country and his own Honour ; and if the Power of the Crown had been in the same Condition it is now, notwithstanding the Heinousness of his Charge against the Minister, notwithstanding his full and well

well vouched Defence as to the Charge exhibited against him, he might, probably, have fallen a Sacrifice to the Resentment of that favourite Minister.

Ann. 14 Geo. II.
1740.

‘ Thus, my Lords, from the Danger there is in accusing a Minister, from the Impossibility there is of finding any legal Proofs against him, whilst he continues in Power, we may see the Wisdom of our Constitution, that has contrived a Method for removing him from the King’s Councils, without subjecting any single Man to the Danger of Ministerial Resentment, and without making it necessary to have any particular Proofs. According to this Method, and upon the Motion I am to make agreeable thereto, your Lordships are to form your Judgment from the Knowledge you have of our past Conduct, and the general View you have of the present Posture of our Affairs, both abroad and at home. I am sure no Man can say, that either the foreign or domestic Affairs of this Nation are at present in a good Posture; and those who have for so long joined with me in blaming many of our public Measures, and in foretelling what would be the Consequences of them, must, I think, join with me in imputing our present unlucky Situation entirely to our own Conduct, and consequently to those, or to the Minister, that has had the chief Share in advising that Conduct. For this Reason, with regard to the Motion I am to make, I cannot doubt of having the Concurrence of all those, who have joined with me in condemning any of those Measures that have brought us unto this Distress: Nay, I hope to have the Concurrence of many of those, who have joined in approving most of our late Measures; for tho’ Lords may be induced to approve of a public Measure at the Time it is transacted, either by the deceitful Light in which it is represented by an artful Minister, or by the false Gloss then put upon public Affairs, yet when Time and Consequences clear up the Truth, they may condemn the Measure they were formerly induced to approve; and, of all others, they have then the greatest Reason to concur in addressing to remove a Minister, who has deceived them, as well as their Sovereign.

‘ With regard to such of your Lordships as have, by your Opinions in this House, condemn’d many of our late Measures, I should think it unnecessary to say any thing farther, in favour of the Motion I am to make; but as there are many Lords in this House, who had not an Opportunity to consider, and give their Opinion upon past Measures, and as there are some, who approved most of them, in order to gain their Concurrence, I think it necessary, and, I hope your Lordships will give me Leave, to examine the Conduct of our public Affairs for fifteen or sixteen Years past, in order

Ann. 14 Geo. II.

1740.

to shew, that the present unlucky Situation of Affairs in *Europe*, and the present Distress of the People in this Nation, are both owing to our own Misconduct. The Maxims established ever since the Revolution, and the Maxims upon which both the late heavy Wars were founded, have been, to prevent the Increase of the Power of *France*, to support and increase the Power of the House of *Austria*, as a Balance to that of *France*, and to prevent, if possible, an Union between the Kingdoms of *France* and *Spain*. That these were right Maxims for this Nation to pursue, must be acknowledged by the Friends of that Minister, whose Removal is to be the Question I am to put to your Lordships, because the chief Reasons for condemning the Treaty of *Utrecht*, which that Gentleman had a great Share in, was on Account of its leaving too much Power in the Crown of *France*, and one of the Branches of the House of *Bourbon* in Possession of the Monarchy of *Spain*; and the only Reason we had for concluding the Treaty in 1716, by which the Island of *Sicily* was given to the Emperor, and in which that Gentleman had likewise a great Share, was because the Treaty of *Utrecht* had not given a sufficient Power to the House of *Austria* in *Italy*. This, I say, was our Motive for concluding that Treaty, which was perhaps the Foundation of all our Broils with *Spain* ever since that Time; and this Motive prevailed, tho' we had then no immediate Cause to be afraid of the Power of *France*, or of an Union or Confederacy between *France* and *Spain*; because by the late King of *France's* Death, and the Duke of *Orleans* getting the Government of that Monarchy into his Hands, the *French* Nation was divided into two powerful Factions, and a great Distrust established between the Courts of *France* and *Spain*.

Now, my Lords, if these Maxims are such as this Nation ought to pursue, or ought ever since that Time to have pursued; and if I can shew, that they have, every one of them, been departed from, and that the present untoward State of Affairs in *Europe*, as well as the present distressed Condition of this Nation, are both owing to this Departure, surely it must be allowed, that our Conduct has been directed by weak Councils, or something worse. By the Regent's Death, and the Government of *France's* coming into the Hands of the Duke of *Bourbon*, a mutual Confidence seemed to be restor'd between the Courts of *France* and *Spain*, and this ought to have put us upon contriving Methods to interrupt or diminish that Confidence; but so far from it, that we refused to take Advantage of the most favourable Accident that could happen for this Purpose. By the *French* Court's

Court's sending back the *Infanta of Spain*. this mutual Confidence was not only broke off, but an Enmity established between the two Courts, which might have been rendered perpetual and implacable, if we had made the proper Use of that Accident. The Court of *Spain* resented so highly the Affront, that they would no longer admit of *France* as a Mediator at the Congress of *Cambray*, for adjusting the Differences between them and the Emperor. They offered us the sole Mediation, and it was very much the Interest of this Nation to have those Differences adjusted in an amicable Manner, and to have a perfect good Correspondence restored, and the ancient Alliance revived, between the Courts of *Vienna* and *Madrid*; but, I do not know how, a Maxim then begun to prevail amongst our Ministers, that we ought not to do any Thing that might disoblige the Court of *France*; and I must observe, it was at that Time, a certain Honourable Gentleman began to have the Ascendant in all our Councils. For this Reason, we refused to accept of the sole Mediation offered us, both by the Court of *Madrid*, and that of *Vienna*, or to interfere between them, without the Assistance of the Court of *France*.

Ann. 14 Geo. II.

1740.

Thus, my Lords, we neglected the best Opportunity that could have offered, for establishing the System of Affairs in *Europe*, upon that Footing which is the most happy for this Nation; but Providence atoned for this Neglect, and would have done it for us, if we had not, by a most unaccountable Fatality, counter-acted this new Interposition of Providence. The Court of *Spain* was so much irritated against *France*, that they resolved, at any Rate, to be reconciled with the Court of *Vienna*, and when they found they could get no Mediators, these two Courts began a Correspondence between themselves, which ended in a Treaty of Peace concluded at *Vienna* the 30th of *April* 1725, and a Treaty of Alliance and Guaranty concluded the next Day at the same Place. This, my Lords, was the very Thing we ought to have wished for, the very Thing *France* had to fear. It was the Interest of *Britain*, to accede to this Alliance, and we were invited to do so: It was the Interest of *France* to break this Alliance, to prevent our acceding to it, and to reconcile themselves with the Court of *Spain*, if possible. These Ends they accomplished; but what is most surprizing, they not only prevented our Accession to this Alliance, but they made us their Instrument for reconciling themselves to the Court of *Spain*, and for creating a new Difference between the Courts of *Vienna* and *Madrid*. For this Purpose, they made us believe, that a secret Treaty had been concluded between *Spain* and the Emperor, by which

Ann. 14 Geo. II.

1740.

these two Powers had agreed to set the Pretender upon the Throne of these Kingdoms, to take *Gibraltar* from us, and to destroy our Trade both in *Spain* and the *Indies*.

‘ I say, my Lords, the *French* made us believe this ; for I am thoroughly convinced, it was all a Forgery ; and I am convinced, the Forgery was first contrived in *France*. But suppose the Fact had been true : Was it in the Power of the Emperor and *Spain* to carry any of these Stipulations into Execution ? Was it in the Power of both, joined together, to hurt this Nation either in its Trade or Possessions ? What then ought we to have done ? We ought to have despised it ; and when these two Powers had found that they had been misguided by some of their Ministers, and advised to concert Schemes, which both, joined together, could never put in Execution, they would have been glad to reconcile themselves to this Nation at the Expence of those who had put them upon forming such chimerical Projects. We had not, therefore, the least Occasion to seek for Allies, in order to defend us against these two Powers, or to attack either of them, unless they had attacked us. But this would not have answered the Ends of the *French* Court, and therefore, by Means of this Bagbear they prevailed on us to join in an Alliance with them by that most fatal Treaty of *Hanover*. Still this was not enough : The politic Court of *France* saw, that the Emperor was a proper Ally for defending *Spain* against an Attack from them, but a very improper and useless Ally for defending *Spain* against an Attack from us. For this Purpose they knew, that they only were a proper Ally for *Spain*, and in order to convince the *Spanish* Court of this, it became necessary to prevail with us, to make some Sort of an Attack upon *Spain*. How to do this, one would think, might have appeared a little difficult even for the Court of *France*. The Treaty of *Hanover*, bad as it was, was only a defensive Treaty : We were not thereby obliged to begin the Attack. What was then to be done ?

‘ My Lords, the Consequence is really amazing : They persuade us, that the Emperor and *Spain* were certainly to begin the War, as soon as the latter got their Treasure home from the *West-Indies*, and that therefore it was necessary to send out one Squadron to prevent the *Spaniards* from making an Invasion upon us, and another to prevent their getting their Treasure home from the *West-Indies*. As the *French* have Ships of War as well as we have, it was natural for us to desire the *French* to join with us in these Expeditions ; but as they had a Mind to make us quarrel with *Spain*, without their having any Hand in the Quarrel, they

they got us to take the Whole of the naval Expedition upon ourselves, under Pretence that they were to make Preparations by Land ; and accordingly we sent, at a great Expence, two powerful Squadrons to Sea, one to the Coasts of *Spain*, and another to the *West-Indies*, which the *Spaniards* looked on as a real Attack, and immediately began Hostilities against us. However, as the *French* had no Mind that we should hurt *Spain*, or get any Advantage to ourselves, both our Squadrons had Orders not to make any real Attack upon *Spain* ; nay, even after the *Spaniards* had begun Hostilities against us, and actually besieged our Town of *Gibraltar*, our good Allies the *French* would neither assist us, nor allow us to commit any Hostilities against the *Spaniards*.

Ann. 14 Geo. II.
1740.

Our Squadrons, my Lords, were only to prevent an Invasion, which I am sure was never intended ; and by obstructing the Arrival of the *Spanish* Treasure, to prevent a War, which I am confident was never designed. By this Means, however, the *French* accomplished what they had in View. The Court of *Spain* was in great Distress for Want of their Treasure, and they saw themselves unable to hurt us. By this they were convinced, that it was absolutely necessary for them to be reconciled with the Court of *France*, in order to prevent their being thus insulted by us ; and this prevailed on them to forgive an Affront which otherwise they never, perhaps, would have forgiven. As soon as this was done, the *French* became Mediators for reconciling the Differences between *Spain* and us, which they themselves had raised ; but this was not out of any Good-will to us : It was to lead us into another Snare, by making us us joint Instruments with them in causing a new Difference between *Spain* and the Emperor. By the Quadruple Alliance it had been provided, that 6000 *Swiss*, or neutral Troops, should be introduced into the strong Places of *Tuscany*, *Parma*, and *Placentia*, in order to secure the eventual Succession of those Dutchies to the Queen of *Spain*'s eldest Son. This the Emperor had agreed to, and the Queen of *Spain* was satisfied with ; but after the *French* had by our Means, as I have shewn, fully reconciled themselves to the Court of *Spain*, and had become Mediators between that Court and us, they persuaded her Catholic Majesty to insist, in her Negotiations with us, that instead of neutral Troops, 6000 *Spanish* Troops should be introduced into the strong Places of *Tuscany*, *Parma*, and *Placentia*. As this was an Article we had nothing to do with, as it was an Article, which we knew the Emperor would not willingly agree to, and consequently, would raise a Difference between

Ann. 14 Geo. II.
1740.

tween him and *Spain*, it is surprizing, we should allow it to be mentioned in any Negotiation between *Spain* and us; yet so prevalent was the Influence of the *French* upon our Minister, that he not only allowed it to be mentioned in the Negotiation, but agreed to its being made an express Article in the Treaty of *Seville*; and for the Performance of this Article, we became Sureties jointly with *France*; that is, my Lords, we engaged to join with *France* and *Spain* in a War against the Emperor; and this we did without any Sort of Necessity, without obtaining any one Advantage for ourselves.

The Emperor foresaw the Danger of admitting *Spanish* Troops into those Places; nay, it was foretold in this House when that Treaty was under our Consideration; and for this Reason the Emperor would by no Means consent to it, unless we should become Guarantees of the *Pragmatic Sanction*, without any Condition or Restriction. This we were obliged to agree to, in order to get out of the Labyrinth we had led ourselves into, and a Treaty for this Purpose was concluded between the Emperor and us at *Vienna*, in the Year 1731, without stipulating any one Advantage for this Nation, or so much as a Tariff or Treaty of Commerce between this Kingdom and the Emperor's Dominions in *Italy* and *Flanders*, though our Trade to both these Places wanted much to be regulated, and the latter has since furnished our Minister with a Pretence to pension some of his Friends, under the Title of Commissaries to settle that Tariff. This Treaty at *Vienna*, however, I shall not find Fault with: The greatest Fault was, its being delayed too long: If we made it with a Design to perform it, I shall allow it was a right Measure; but by what happened soon after, I suspect; that some amongst us had no Intention to perform this Guaranty, even at the very Time it was agreed to; and for justifying my Suspicion in this Respect, I must turn to the other Side of *Europe*. At the very Time we concluded this Treaty of *Vienna*, *Augustus* the late King of *Poland* was in a bad State of Health, and the Nobility of *Poland*, as well as the neighbouring Powers, were beginning to think of a new Election, Every one foresaw, that the Contest would lie between the Electoral Prince of *Saxony*, Son of the then King of *Poland*, and *Stanislaus*, Father-in-Law to the King of *France*; and if we were serious in our Guaranty of the *Pragmatic Sanction*, it was easy to see which Side we ought to take in this Contest. It was easy to see, that it was our Interest to oppose, as much as was consistent with the Liberties of *Poland*, the Election of *Stanislaus*. Whether we did so or not, does not yet appear,

pear, for the Parliament was denied the Liberty of seeing any Papers or Instructions relating to that Affair ; but if Credit is to be given to common Fame, we shewed great Regard to the Court of *France* in this Particular, as well as every other. Nevertheless, the Court of *Vienna* did their Duty : They made all the Interest they could against the Election of *Stanislaus*, without encroaching in the least upon the Liberties of *Poland*. The *Muscovites*, indeed, went a little farther, because the Republic of *Poland* was obliged by Treaty with them, never to chuse *Stanislaus*, and therefore they opposed his Election by Force of Arms. This gave a Pretence to *France*, in Conjunction with *Spain* and *Sardinia*, to attack the Emperor in the Year 1733. Our joining the Emperor in this War would, in all human Probability, have entirely cast the Balance, and by the Event, we might have repaired all the Faults and Oversights that were committed in the Negotiations and Treaty of *Utrecht* ; but we remained idle Spectators, and by this our Inaction, the Power of the House of *Austria* was diminished, the Power of *France* increased, and the whole System of *Europe* turned upside down ; which to me is an evident Proof, that those who had the Direction of our Councils, had no Intention to perform the Stipulations they entered into by the Treaty at *Vienna* in 1731 ; and if they had not, it was a downright betraying of the Emperor : It was, by a treacherous Promise, never intended to be performed, leading him in to consent to the introducing of Troops into *Italy*, which he was sure, would be employed against him the very first Opportunity, as they accordingly were within two Years after. What Dishonour this brought upon the Nation, what Distrust it begot among those who are our natural Allies, what Injury it did to that System of Affairs in *Europe*, which it was the Interest of this Nation to support, I need not explain to your Lordships.

* That this System is now almost entirely overthrown, is evident to every one who considers the present Circumstances of *Europe* ; and that this Overthrow is owing entirely to our Conduct, I have, I think, demonstrated. My Lords, it is owing to our having been in *French* Leading-Strings, ever since a certain Honourable Gentleman began to have the Ascendant in all our Councils, and in the Conduct of our public Affairs. If by this Conduct, if by sacrificing our Allies, and re-uniting the two Branches of the House of *Bourbon*, we had got great Advantages for ourselves, it would be some Excuse for this unaccountable Conduct ; but so far otherwise, my Lords, that during this whole Period, and notwithstanding the many signal Services we have lately done to the House

Ann. 14 Geo. II.

1740.

Ann. 14 Geo. II.

1740.



of *Bourbon*, we have been sacrificing our Trade and Navigation to the Manufacturers of *France*, and the Pyrates of *Spain*. The *French* have, during this whole Time, been improving their Trade, and their Manufactures, at the Expence of ours; and the *Spaniards* have been plundering our Merchants, and interrupting our Navigation, under the most unjust and ridiculous Pretences, both in the *American* and *Mediterranean* Seas; without our stipulating any thing in Favour of our Trade, or Manufactures, from the former; and without our obliging the latter to acknowledge our just Rights, disavow their unjust Claims, or make Satisfaction to our injured Merchants and Seamen; notwithstanding the many Acts, Preliminaries, Conventions, and other sorts of Treaties, we have concluded with these two Powers; and the great Expence we have put ourselves to, solely for their Service.

‘ In short, my Lords, upon a general View of our Conduct, with regard to Foreign Affairs, it appears so unaccountable, and the Consequences now shew it to have been so destructive, that it is hardly possible to think it altogether owing to Weakness; and if the Truth were known, which never can as long as the same Ministers continue in Power, and have the Disposal of all public Honours and Favours, something worse than Weakness, might, perhaps, be made appear by legal Proofs. This, however, I shall not aver nor insist on; but to doubt of the Weakness of this Conduct, or to desire that this Weakness should be made appear by legal Proofs, is the same with doubting or desiring Proofs of the Parts being equal to the Whole, or of the Sun’s shining, when our Eyes are dazzled with his Beams. Let us now examine what Effect this Conduct has had upon our domestic Affairs. If we had made the proper Use of those providential Accidents that occurred, for establishing a good Correspondence between the Courts of *Madrid* and *Vienna*, and, of course, a sort of Distrust between the Courts of *France* and *Spain*; if we had not defeated the Effect of those Accidents by our following the Councils of *France*, ’tis more than probable, I think, it is certain, that we should have had no Occasion to keep up dangerous Armies, or fit out expensive Squadrons. Ten or Twelve Thousand regular Troops, and a few Guard-Ships, as a Security against any sudden Attack, would have been the most we should have had Occasion for; and this Expence, the Malt-Tax, and the Land-Tax at Two Shillings in the Pound, would have been sufficient to answer. If we had reduced the public Expence within these Bounds, we should have been able to pay off a great Part of our old Debt, without contracting any new; and might have abolished a great many of those Taxes which lie heavy upon poor Labourers and

Manu-

Manufacturers, and which, consequently, enhance the Price, and thereby prevent the Sale of our Manufactures at all Foreign Markets. As *Spain* would have had a continual Dependence upon, and a close Correspondence with this Nation, they would not have attempted to make such Encroachments upon us as they have done; for we may observe, that their Insults and Encroachments upon us, have always borne a Proportion to the Correspondence subsisting between them and *France*: Our *South-Sea* Company would have met with no Interruption in their Trade to *New-Spain*; nor would the Sale of our Manufactures have been interrupted and discouraged, as they have been, both in *New* and *Old-Spain*. And the certain Consequence of all this would have been, an utter Impossibility for *France* to improve and increase her Manufactures, especially those of Wool; which would have been a more effectual Stop to the clandestine Exportation of our Wool, than any other Method we can contrive. For if we could work up Woollen Manufactures as cheap as they can do in *France*, we could sell them cheaper at all Markets, because we have the Wool cheaper, which would prevent the Sale of their Manufactures at any Foreign Market, nay, even in their own Markets at last, by the clandestine running of ours in upon them; and if they could sell no Woollen Manufactures, they would neither be at the Pains, nor Expence, to steal our Wool away from us.

All these Consequences, my Lords, the Court of *France* were fully sensible of; and therefore they made it their Business to re-unite themselves as soon as possible with the Court of *Spain*, to create Breaches between *Spain* and us, and between *Spain* and the Emperor, and to make us put ourselves to an extraordinary Expence upon every Occasion. All this they have, fatally for us, succeeded in; but it is very surprizing, that, in every Step, they should have been able to make us their Tools for our own Undoing. After our being drawn in to the Treaty of *Hanover*, as I have mentioned, we immediately put ourselves to the Expence of augmenting our Army, which was before too numerous; of taking Foreign Troops, and Foreign Princes, into our Pay; and of fitting out costly, but useless Squadrons. When *Don Carlos* was to be sent to *Italy*, we put ourselves to the Expence of sending a powerful Squadron to the *Mediterranean*, to pay that Prince the Compliment of conducting him in Triumph thither. When the Emperor was attack'd in 1733, tho' we took no Share in the War, we took care to have a Share in the Expence, by making great warlike Preparations. In short, for these Fifteen or Sixteen Years past, we have mis'd no Pretence for putting ourselves to an extraordinary Charge, as if

Ann. 14 Geo. II.
1740.



we had thought, that the worst Thing we could do, was to pay off our Debts, or ease our People of their Taxes: When any of our Neighbours came to an Agreement, we were to raise Armies, and fit our Squadrons, in order to make them fall out; when any of our Neighbours fell out, we were to raise Armies, and fit out Squadrons, in order to make them agree: When we were engaged in Negotiations, we were to keep Armies and Squadrons in Pay, in order to render those Negotiations effectual: When our Negotiations ended in a Treaty, we were to keep Armies and Squadrons in Pay, for enforcing the Performance or Observance of that Treaty; and when no other Pretence could be found, when the Tranquillity of *Europe* seemed to be perfectly established, we were to keep Armies on Foot, because, when our Neighbours had no Quarrel amongst themselves, they had the more Leisure to think of invading us.

' This, my Lords, has been our Conduct with respect to domestic Affairs; and the Consequence is, that our public Debts are now very near as great as they were at the End of the last heavy War: If we have paid off with one Hand, we have contracted near as much with the other; and no one Tax that was imposed during the War, has either been taken off, suspended, or diminished, except one Moiety of the Land Tax, and the Salt Tax for one Year. It is this, my Lords, that has given the *French* such an Advantage over us with regard to Trade and Manufactures. It is this that keeps the Interest of Money at a higher Rate, and private Credit at a lower Ebb in this Country, than in any trading Country in *Europe*; and it is this that has rendered our People generally discontented, which Discontents have been very much heightened by the severe and oppressive Laws that have been enacted, and the more oppressive Schemes that have been attempted, under Pretence of their being necessary for collecting the public Revenue. The Excise Scheme alone was Cause sufficient for all the Discontents that have since appeared: It was such an Attempt upon our Liberties as could not but give a general Alarm to a free Nation; and it was resented accordingly by the People. We may remember how the Author of it was treated at most of the Cities and Boroughs in the Kingdom. Whether that Attempt proceeded from Weakness or Wickedness, I shall not determine; but the Minister that patronized it ought immediately to have been removed from his Majesty's Councils, in order to shew the People that his Majesty no Way favoured such a barefaced Attempt upon their Liberties; and if none about his Majesty has yet advised him to remove such an unpopular, such a hated Minister, we ought to supply that Deficiency.

Your

Your Lordships in this House are his Majesty's great and chief Council, and therefore, when you find that his other Councils have neglected to give him proper Advice, it is your Duty, it is your Business, when assembled here, to supply that Neglect. A sole Prime Minister may be able to prevent the Truth's reaching the Ears of his Master, by Means of any of those he suffers to have free Access to his Person ; but, I hope, no Minister will ever be able to intimidate your Lordships, or prevent your speaking decently, freely, honestly and sincerely to your Sovereign.

If in a free State, no unpopular Minister ought to be allowed to continue in the King's Councils, or about his Person, I am sure the Motion I am to make, ought to have been the Resolution of this House, the very next Session after the Excise Scheme was rejected ; but your Lordships were willing, perhaps, to indulge the Patron of that Scheme, with an Opportunity of regaining the good Will of the People by his future Conduct. Has he done so, my Lords ? Has he not, almost in every Step of his Conduct since that Time, riveted himself in the Hatred of the People, I mean those who are not immediately in his Pay, or in Expectation of soon being so ? It would be too tedious, my Lords, to mention all the weak and unpopular Parts of his Conduct since that Time, and therefore I shall confine myself to our late Management with regard to *Spain*. I have already shewed the Weakness of the Treaty of *Seville*, with regard to the Breach it occasioned between *Spain* and the Emperor ; but that was far from being the only one. The *Spaniards* had before then set up their Pretence to a Right of searching our Ships in the *American* Seas, and confiscating Ship and Cargo, if they found any Goods on board which they were pleased to call contraband. In pursuance of this Right, they had confiscated several of our Merchant Ships, after Peace was restored between the two Nations by the Convention, signed at the *Pardo*, March 6, 1728. Our Merchants, after having applied in vain to our Minister, made their Application to Parliament in 1728, and plainly pointed out to him, what we ought to insist on from *Spain*, yet all he desired, or at least obtained by the Treaty of *Seville*, was a Renewal of former Treaties, tho' he knew, that, under the Colour of those Treaties, the *Spaniards* had set up this very Right ; and with regard to the Depredations that had been committed, he contented himself with stipulating to have them referred to Commissaries of each Side, who were to assemble at the Court of *Spain*, and had three Years to make their Report ; by which our Minister got an Opportunity of ob-

1740.

1740.

4 Q 2

liging

Ann. 14 Geo. II.

1740.



liging some of his Friends with Pensions, and the *Spaniards* got an Opportunity not only of continuing their Depredations, but of robbing us of that Money which our Commissaries, their Clerks and Servants, were obliged to spend in the Dominions of *Spain*.

‘ These Oversights, my Lords, might, perhaps, have proceeded from Weakness; but it is impossible to suppose, that what followed could proceed from Weakness alone. The *Spaniards* continued their Depredations with as much Vigour as ever, and thereby shewed the Meaning they put upon those Treaties that had been renewed by the Treaty of *Seville*: And they made such trifling Work with our Commissaries, that before the Year 1733, every one saw we could expect no Reparation for what was passed, nor Security in Time to come, but by Force of Arms. The Right we had to a free Navigation in the *American* Seas, and the Right we had to carry what Goods we pleased from one Part of our own Dominions to another, was a Point that could admit of no Discussion: It was a plain, simple Question we were to put to the *Spanish* Court, Will you admit of this Right or no? If they denied it, if they shuffled, the immediate Consequence should have been a Declaration of War. They did not shuffle: They in a Manner expressly denied it: They not only insisted upon, but exercised the Right they had set up, to search every *British* Ship they met with in the *American* Seas, and to seize and confiscate Ship and Cargo, if they found on board any of those Goods they were pleased to call contraband. This was the State of Affairs between the two Nations when the *Spaniards* attack’d the Emperor in *Italy*, Ought we not, for our own Sake alone, to have laid hold of that Opportunity for declaring War against *Spain*? On the contrary, we continued to negotiate about a Point which could admit of no Negotiation; and tho’ it was evident, that if we allowed the *French* and *Spaniards* to prescribe Terms to our old Ally the Emperor, it might very probably be in their Power afterwards, to prescribe Terms to us, yet we let slip this Opportunity; we continued to suffer patiently the Insults and Injuries that were put upon us by the *Spaniards*: We continued to negotiate, and by so doing gave up the Point in Question. Nay, my Lords, the very Papers upon our Table shew, that either our Minister and those he employed did not understand the Point in Question; notwithstanding the clear Light it had been put in by the repeated Application of our Merchants; for after having seen how little Care had been taken of them in the Treaty of *Seville*, they had applied again to Parliament in the Year 1730. I say, my Lords, the Papers upon
our

our Table shew, that either our Minister and his under A Ann. 14 Geo. II.
 gents did not understand the Point in Question, or wickedly
 gave it up; for when they complain to the *Spanish* Court, 1740.
 as they do in some of their Memorials, of the *Spaniards* carrying clandestinely some Pieces of Eight on board our Merchant Ships, and then seizing them for having such Goods on board, they admit, that if those Goods had been found on board, without having been first clandestinely carried there, it would have been a just Cause of Seizure.

But, my Lords, this of giving up the Right of this Nation, and of Mankind, by Negotiation, was not enough for our Minister; he was resolved to give it up by Treaty, which leads me to consider our late Convention with *Spain*. By our continuing to negotiate, and to suffer, the *Spaniards* grew at last so insolent and rapacious, that our Merchants were forced to apply a third Time to Parliament in the Year 1738, and the Resolutions of both Houses thereupon were so strong, that our Minister found, something must be done: A new Treaty must be obtained, or a War must be declared. Upon this, what did he do? He put the Nation to a great Expence: He amused the People with warlike Preparations; but this was not done, as appeared afterwards, to obtain Reparation; or to force the *Spaniards* to acknowledge our undoubted Rights, or disavow the Claims they had so unjustly set up. It was done with a View only to obtain a new Treaty; and after he had negotiated a whole Summer, at the Expence of 4 or 500,000 *l.* extraordinary to the Nation, he by Treaty accepted of 27,000 *l.* I can call it no more, in full Satisfaction for all past Depredations, Damages and Insults; and what was still worse, he expressly gave up the Freedom of our Navigation in the *American* Seas, by referring it to be regulated by Plenipotentiaries. This, I insist, my Lords, was expressly giving it up; for what could our Plenipotentiaries say to the *Spanish* upon this Subject? They could not say, We will admit of no Regulations in a Case which is expressly referred to us to be regulated; and if they had admitted or agreed to any Regulations, our Navigation could no longer have been called free.

Upon this, my Lords, upon the first View of this Convention, the Spirit of this Nation began to appear, and to exert itself in such a Manner, as convinced our Minister that even he, notwithstanding his unparalleled Power, durst no longer venture to trifle with the Honour, the Trade, the Navigation, and the Rights of his Country. Thus, by his own Misconduct, and by that alone, he saw himself reduced to the Necessity of coming to an open Rupture with *Spain*, at a Time when the Affairs of *Europe* were in the most unhappy

Ann. 14 Geo. II.

1740.

happy Situation for this Kingdom. *Spain* at that Time in a close Alliance with *France*: The Power of the House of *Austria* very much diminished by the late War, and by his Conduct brought under a Sort of Dependence upon the Court of *France*: The *Dutch* not at all inclined to join with us in any warlike Schemes; and the Kingdom of *Sweden* entirely governed by *French* Councils. In these Circumstances it was evident, that we must either submit to carry on the War against *Spain*, according to *French* Directions, in which Case we could never expect to meet with Success, or to bring it to a Conclusion; or we must resolve to support a War by ourselves alone, against the two powerful Kingdoms of *France* and *Spain*. In this unfortunate Dilemma it was easy to chuse; but from what has since happened, I fear our Minister has chosen the worst Side of this Dilemma. Our Business certainly was to resolve to prosecute the War with Vigour, even tho' *France* should threaten to join against us; and therefore we ought to have been as expeditious as possible, both in our Preparations and Attack; in order that we might have possessed ourselves of some of the most convenient Parts of the *Spanish* Settlements in *America*, or the Whole, if we could, before *Spain* could prepare for her Defence, or *France* prepare to assist her. I do not say, my Lords, that we ought to have possessed ourselves of the whole *Spanish* West-Indies with a Design to hold them; but only with a View to force *Spain* to a Compliance, or to enable ourselves to support the War, in case *France* should resolve to support the *Spaniards* against the just Demands we had upon them.

Now, my Lords, let us see if the warlike Conduct of our Minister has been better and more prudent than his peaceable. Tho' he saw that an immediate War was become unavoidable, as soon as the Convention was published in this Nation: I say, an immediate War; for tho' the *Spaniards* had paid the 95,000 *l.* yet if they had not expressly and immediately given up the Point of *Search*, it would have been absolutely necessary for us to declare War against them; and this our Minister knew they would not do by fair Means, therefore he must have been sensible, that an immediate War was unavoidable; yet he did not, for four Months after, make the least Preparation for beginning it; and when it was begun, it was by Way of Reprisals only; by which Method we could never propose to bring the *Spaniards* to a Compliance, and it was giving them Warning to provide against us, in those Places where it was most our Advantage to attack them. When I say attack them, I believe every one of your Lordships will suppose, I mean the

West-

West-Indies. It was there, my Lords, where we could make the *Spaniards* most sensible of our Power: It was there they were least prepared to resist us: It was there we could do them the greatest Mischief; and it was there only, we could attack them with any considerable Advantage to ourselves. For this Reason we should have begun the War, we should have begun Hostilities by an Attack, not upon their Ships, but upon some of their Settlements in that Part of the World; and, for this Purpose, we might have had a Fleet, with Five or Six Thousand regular Troops on board, ready to sail for the *West-Indies*, before we published our Reprisals, and that without giving any previous Alarm. Admiral *Vernon's* Success at *Porto-Bello* is an evident Proof of what Success we might have had, if that Admiral had been properly provided for taking and holding as many of the *Spanish* Settlements in *America*, as he could conquer. We should soon have been Masters of *Porto-Bello* and *Panama*, which would have laid both *Mexico* and *Peru* open to our Attacks; and by sending that Admiral proper Supplies, which neither the *Spaniards*, nor even the *French* could prevent, we might, by this time, have been in Possession of all the Mines of *Peru*; which would have compelled the Enemy to submit to our Terms, or it would have enabled us to support and carry on the War at the Expence of our Enemies, and without loading our own People with any new Debts or Taxes.

Ann. 14 Geo. II.

1740.

‘ But instead of this, my Lords, what have we done! Nothing that can be of any great Advantage to our selves, or Prejudice to the Enemy. No Troops were ever sent to the *West-Indies* till the End of *October* last, which was above a Year after the Declaration of War, and near 16 Months after the *Spaniards* had Notice to prepare for their Defence in that Part of the World. Nay, by such of Admiral *Vernon's* Letters as we have been indulged with the Sight of, it appears that, notwithstanding the notable Services he had done to his Country, notwithstanding his repeated Requests, no Care was taken to send him proper Stores or Provisions, for enabling him to proceed in his Designs against the Enemy. By this Neglect it would really seem, as if our Minister were afraid, lest that brave Admiral should too much distress the Enemies of his Country: and for this I can assign no Reason, unless it be, that our Minister has laid himself under Engagements to a certain Foreign Minister, not to distress the *Spaniards* more than he shall give him leave to do. It would be endless, my Lords, to explain all the Weaknesses we have been guilty of since the beginning of the War: Our suffering the *Spanish* Squadron to sail from *Cadix*, after having blocked it up so long at that Port: Our suffering it afterwards

Ann. 14 Geo. II. 1740. wards to sail from *Ferrol* : Our suffering that Squadron, and both the *French* Squadrons to sail so long before we sent any Squadron to the Relief of Admiral *Vernon*, and our Colonies in the *West-Indies* : Our leaving a Squadron quite inactive in the *Mediterranean* : Our distressing our Trade by Pressing and Embargoes, and, at the same Time, neglecting to offer any Reward for Landmen to enter into his Majesty's Sea-Service, or a sufficient Reward even for Seamen ; and, above all, our neglecting to have in Readiness, or to fit out, a sufficient Number of small Cruisers at the beginning of the War, for the Protection of our Trade, by intercepting the Enemy's Privateers.

My Lords, the Errors in our Negotiations before the War were so enormous, the Faults in our Conduct since the War began have been so many, and so glaring, that it is almost impossible for me to impute it to Weakness alone. I must suspect, that our Minister's making himself such an obedient Slave to the Views of *France*, when they were so contrary to the Interest of his Country ; and his Unwillingness to enter into a War with *Spain*, when he had so many Provocations, and so fair an Opportunity of prosecuting it with Success : I say, I must suppose, that this unaccountable Conduct proceeded from some private Motives of his own. These Motives I have not discovered : They cannot be discovered whilst he continues Minister : If I had discovered them, and could prove them to your Lordships, my Motion this Day should not be for an Address to remove him : I should, according to my Duty, stand up in my Place, and impeach him of High-Treason. In the same manner I must impute our Method of beginning the War, our dilatory Method of prosecuting it, and particularly the great Neglect of our Trade, to some private Motives of our Minister's own : I am afraid he is under the Direction of *France* in the Prosecution of the War, as much as he seems to have been in the Treaties and Negotiations that preceded it. But, my Lords, none of these Things can be proved by a direct Proof, especially as we have been denied all those Lights that are necessary for coming at such a Proof. The Thing is impossible, and, in the present Case, it is unnecessary : Upon a general View of our Affairs, and the present Circumstances we are in, the late Conduct of our public Affairs both at home and abroad, appears to have been most notoriously weak ; and if there be any one in the Administration who is known, or generally supposed to have been for several Years the sole Adviser, and chief Conductor of all our public Affairs, this apparent Weakness is a sufficient Foundation for your Lordships

to address his Majesty, that he would be pleased to re-
move that Minister from his Presence and Councils.

1740.

That there is in our Administration at present, a Minister who is generally supposed to have a Superiority in all our Councils, and that he has enjoyed that Superiority for these 15 or 16 Years, I believe, your Lordships will not desire me to prove. When I say that there is one Man now in the Administration, whose Advice has prevailed in all our Councils for 15 or 16 Years past; who has had the sole Disposal of all the Revenues of the Crown, and of all the Honours, Posts, and Employments the Crown could bestow; who has, in a most arbitrary Manner directed, not only at the Board to which he properly belongs, but, by some of his under Agents, at every other Board in the Kingdom; who has had it in his Power to dismiss, not only from every public Employment, but even from the King's Councils and Presence, all those, let their Rank be what it will, who have had the Courage and Honesty to oppose vigorously any of his Measures: When I say this, my Lords, I am convinced, none of your Lordships, I am sure no one without Doors, will doubt, that I mean Sir Robert Walpole; and this common Fame, this general Opinion, is a sufficient Foundation for your Lordships to point your Address particularly at him. The Weakness he has shewed in the Conduct of our public Affairs, the general Hatred he has incurred among the People of this Kingdom, render it almost necessary for his Majesty to remove him from his Councils, lest the Discontents of the People, which are as yet levelled against the Minister only, should at last be converted into a general Disaffection to his present Majesty, and to his illustrious Family.

This Danger must, I think, my Lords, prevail with every one that has a true Regard for our present happy Establishment, to concur with me in the Motion I am to make; but there is another Danger, which affects the Honour, the Character, and the Dignity of this House. The same Minister has had the Misfortune, by his Conduct, to propagate and establish a general Opinion through the Nation, That Corruption is the only Art of Government he understands: That by corrupt Means he gets his Creatures and Tools chosen at most of the Elections in the Kingdom: That both Houses of Parliament are induced by a corrupt Influence to approve of his Measures; and that the public Money is squandered away for the Sake of gaining him a legal Support. This Charge cannot be proved, as long as he has the Disposal of all the Money and all the Favours

1740.

4 R

of

Ann. 24 Geo. II.
1740.

of the Crown ; but it is so well established by common Fame, and so generally believed, that if you refuse to put the Question upon a fair and impartial Issue, by first putting it out of the Power of the Person accused to screen himself by Means of that very Crime of which he is accused, the World will be confirmed in that Opinion, which is already too general, and too stedfastly believed. As the Weakness of our late Measures is manifest to the whole World, as the Unpopularity of this Minister is known to every Man that converses with any independent Person in the Nation, and as he is generally suspected of being a most notable Corruptor, if you put a Negative upon the Motion I am to make, I am afraid, it may affect the Honour, the Character, and the Dignity of this House, by making the World suppose that very Negative to proceed from the Influence of Corruption. But as I am convinced, that no such Influence can ever prevail in this House, and as, I think, I have given sufficient Reasons for your concurring with me, therefore, I shall conclude with moving your Lordships, That an humble Address be presented to his Majesty, that he will be pleased, &c. (as before-mentioned.)

Duke of Newcastle.

Duke of Newcastle.

‘ My Lords, that this House, or that either House of Parliament may address the Crown, for the Removal of any Minister, is a Question I shall not contest with the noble Lord, who has made you this Motion ; but I must observe, that such a Motion was never, so far as I can recollect, agreed to, but in troublesome and factious Times, and that general Charges or general Accusations against Ministers, without fixing upon any particular Crime, or offering any Sort of legal Proof, have sometimes proved fatal to the King himself. The famous Case of the Earl of *Strafford* in King *Charles* the Ist’s Time, ought to be a Warning to all future Kings, not to allow their Ministers to be attacked in Parliament upon general Rumours, Disgusts, or Accusations. The particular Circumstances of that Case are so well known, that I need not recapitulate them to your Lordships : The Accusation against him consisted only of some general Charges, unsupported by proper Proofs ; and every one knows, that the violent Proceedings against that Earl were attended with such Consequences as ended in a Catastrophe, which all good Men detest and abhor.

‘ The noble Lord was pleased to tell us, that an Address to remove a Minister from the King’s Councils and Presence, can

can no Way affect a Man's Person, Freedom, or Estate. Ann. 14 Oct. 1740.
 My Lords, I must beg leave to differ from the noble Lord in this Particular. Such an Address would affect a Minister's Character, and whatever affects a Man's Character, must be allowed to affect his Person. Do not Men every Day venture their Lives for the Sake of their Character? Would not any Man chuse to lose his Life, rather than live the Infamy and Reproach of his Country? And shall we in this House attempt to inflict a Punishment worse than Death itself, upon a Man against whom there is no particular Crime so much as alledged, nor any Proof offered but popular Resentments, which are very often unjust, and general Arguments, which, in my Opinion, are far from being conclusive. My Lords, it is easy to raise Objections against public Measures that have been transacted many Years ago: It is impossible for human Wisdom always to take the best Course, and to make the best Use of the common Incidents that occur, or for human Foresight to provide against the extraordinary Incidents that may happen. Time and Experience discover to the wisest of Men, many Errors in their past Conduct; and when cross Accidents happen, every one is apt to imagine, they might have been foreseen and provided against. This is obvious to every Man, even in the Transactions of private Life; and as public Transactions are much more intricate, and depend upon Causes which never were, nor could be under our Power or Direction, therefore the Errors and Mistakes of those concerned, must be more frequent, and those Measures may afterwards appear weak, which, at the Time they were transacted, appeared to be the wisest that could be pursued. For this Reason, when we are to judge of the Wisdom or Weakness of a Minister's past Conduct, we ought to consider the Circumstances of Affairs, and the Appearance of Things, as they stood at the Time his Measures were concerted; and if at that Time they appeared to be the best, we are not from future Accidents, or from a future View of Things, to condemn them, either as weak or wicked. We may, perhaps, find, that our Minister was not inspired with divine Wisdom, but this can never be thought a good Reason for our addressing the King to remove him from his Presence and Councils.

From these general Observations, I hope your Lordships will be convinced, that upon the present Question you ought to view the public Measures now objected to, in the same Light in which they appeared to you

Ann. 14 Geo. II.

1740.

it will be allowed to be at least an Argument in their Favour, that every one of them was, after a close Examination, approved of by a Majority of this House, at the Times they respectively happened. But as I do not look upon this as a conclusive Argument in the present Debate, I shall beg Leave to answer some of these Objections that have been made against our past Measures, which I shall endeavour to do from Facts and Circumstances that are publicly known, without discovering any of those Secrets of State, which, by the Nature of my Office, may, perhaps, have been communicated to me. But I must observe, that, in all such Cases, the Servants of the Crown labour under a very great Disadvantage; for they are often, for the Sake of the Public, obliged to conceal those Facts upon which their Conduct was founded, and which, if they could be revealed would remove every Objection that could be made against it.

‘The Treaty of *Hanover*, and supposed Complaisance for *France*, seem, my Lords, to be laid down as the Foundation of all that Weakness, which some People pretend to have since appeared in our Conduct, which is an Argument that has been often made use of both within Doors and without, and, I think, as often answered as it has been started. As for the Treaty of *Hanover*, it is now publicly known, that the Honourable Gentleman against whom this Motion is levelled, whatever Share he may have in our other Councils, had not the least Share in the Council which advised that Treaty. The Negotiation was begun and ended whilst his late Majesty was at *Hanover*, and was directed and advised by the *English* Ministers, who had the Honour to attend his Majesty in that Journey, of which, it is well known, the Honourable Gentleman was not one. Both the Negotiation and Treaty were owing to the certain Information his late Majesty had of the private Articles that had been agreed on at *Vienna*, between the Emperor and *Spain*, and to the cruel Massacre of the Protestants at *Thorn* in *Poland*. The latter had been resented by this Court before his Majesty’s Departure for *Hanover*, and deserved to be resented by every Protestant Court in *Europe*. And as to the former, no Discovery had been made of those private Articles, till after the King’s Arrival in his *German* Dominions; and when a Discovery was made, it raised such a just Indignation in his late Majesty’s Breast, that he immediately, and without consulting

sisting his Ministers here, resolved to take proper Measures, not only for his Defence, but also for shewing his Repentment ; therefore, if there was any Weakness, or any Imprudence in concluding that Treaty, it was not owing to the Honourable Gentleman whose Conduct is now under our Consideration.

Ann. 14 Geo. II.

1740.

‘ But supposing, my Lords, the Honourable Gentleman to have been the chief or the sole Adviser of that Treaty, no Man that admits the Truth of the Fact upon which the Treaty was founded, could blame his Conduct ; and considering we have the Truth of that Fact attested by his late Majesty himself in the most solemn Manner, I think, no Man that has a true Regard for the Memory of his late Majesty, can doubt of it. I shall, therefore, take it for granted, that there was a private Treaty between the Emperor and *Spain*, by which the former engaged to assist the latter, *totis viribus*, in endeavouring to strip us of our valuable Possessions of *Gibraltar* and *Port Mahon*, and to place the Pretender upon the Throne of these Kingdoms ; and the latter, in return, promised to support the former in the Establishment of the *Ostend* Company, and granted such Privileges to his trading Subjects in the *Spanish* Dominions, as would have entirely ruined the Trade of these Kingdoms in that Part of the World. Can any Thing, my Lords, be supposed more injurious to this Nation ? Would it not have been the Height of Imprudence to delay a Moment repenting, in the most proper Manner, such a dangerous, such an insulting Treaty ? And I do not see how we could have repented it in a proper Manner, or even guarded against some Parts of it, without an Alliance with *France*. Without such an Alliance we could not certainly have repented it against the Emperor, and if we had repented it against *Spain*, or endeavoured to vindicate our Rights, with respect to Trade, in the *Spanish* Dominions, the Emperor, if we had not kept him in Awe by an Alliance with *France*, would have immediately attacked *Hanover*. I shall grant, that this Nation neither is obliged, nor ought to enter into a War on the sole Account of the *Hanoverian* Dominions ; but when those Dominions come to be attacked by a foreign Power, solely on Account of some Quarrel or Misunderstanding with this Nation, surely we are obliged, both in Honour and Interest, to defend them.

‘ I must

Ann. 14 Geo. II.

1740.

‘ I must therefore conclude, my Lords, that an Alliance with *France* was absolutely necessary for us at that Conjunction; and as that Alliance brought *France* into the Danger of being attacked by the Emperor and *Spain*, which would probably have been the Consequence, if *Spain* had got home her Treasure then in the *West-Indies*, we were, therefore, in common Prudence obliged, in order to prevent a general War in *Europe*, as well as to prevent our Ally being attacked, to put a Stop to the coming home of that Treasure. This, my Lords, justifies the Measures that were afterwards taken: The Squadron that was sent to the *West-Indies*, made it impossible for *Spain* to get her Treasure from thence, which prevented her attacking *France* in Conjunction with the Emperor; and the Squadron that was sent to the Coasts of *Spain*, prevented her attacking us, by playing the Pretender upon us, as she had endeavoured to do, during the very last Rupture we had with that Nation. But as our Business was to prevent a War, and not to begin one, therefore it would have been ridiculous in us to give Orders to our Squadrons to attack any Part of the *Spanish* Dominions, or to begin Hostilities against them. Nay, even when they attacked us, by laying Siege to *Gibraltar*, as we knew the Vanity of their Attempt, and that they could do us very little Harm, any other Way than by sending the Pretender with a few Troops in upon us, it would have been imprudent in us to attack them in our Turn; because it is the Interest of this Nation to avoid, as much as possible, having a War with the *Spaniards*, on Account of its begetting a Hatred and Animosity, between the two Nations, which never ends with the War, and while it lasts, will always be of great Prejudice to our Trade. For the same Reason, as well as a great many others, it was our Business to restore a good Harmony between this Nation and *Spain*, and also between us and the Emperor; as soon as possible, after we had once convinced both these Powers of the Vanity of those Engagements they had entered into against us, by their Treaty at *Vienna* in 1725.

‘ This, my Lords, was accordingly brought about, by what I must still call a Sort of dextrous Management, in a very short Time. A good Harmony between the Emperor and the Maritime Powers, was restored by the Preliminaries concluded at *Paris*, in May 1727, by which his Imperial Majesty put an End to the *Osind* Comany's Trade to the *East-Indies*, to the great Advantage of the
East-

East-India Trade of this Nation. These Preliminaries were *Ann. 14 Geo. II.* agreed to by *Spain*, by the Convention signed at the *Pardo*, in *March 1727-8*, whereby his Catholic Majesty promised the immediate Restitution of the Ship *Prince Frederick*, and submitted all the other Disputes between the two Crowns to be debated and decided at the Congress, which was to be afterwards held at *Aix la Chapelle*. This, I think, must be allowed to be pursuing the true Interest of this Nation, not only with the utmost Prudence, but with the greatest Dispatch; and the Conclusion of the Treaty of *Seville* was owing to the same Scheme of Politics; for the Congress at *Aix la Chapelle*, being likely to draw out to a great Length, by Reason of the many Differences that were there to be settled between the several Powers of *Europe*, it would have been very inconvenient for this Nation to have its Differences with *Spain* so long left in Suspence, and therefore a separate Negotiation was set on Foot for adjusting those Differences by themselves, which, in my humble Opinion, was the wisest Thing we could do; and this Negotiation was, in a very short Time, brought to a Conclusion by the Treaty of *Seville*, which was signed in *November 1729*, which would have put an End to all our Disputes with *Spain*, and would have procured us Reparation for all past Damages, if the Court of *Spain* had been as sincere in the Execution, as they seemed fair and candid in the Negotiation. But if the Court of *Spain* afterwards shuffled, and delayed to perform what they had so solemnly promised, surely the Insincerity and Breach of Faith in that Court cannot, with the least Shew of Justice, be imputed to any of the Ministers of ours; and less to the Honourable Gentleman attacked by this Motion, than to any other; because in his proper Department he has nothing to do with foreign Affairs, and as a Member of his Majesty's Privy Council, he must give his Advice according to the Lights he receives from those who have.

' If the *Spaniards*, my Lords, had punctually performed and observed what they promised in that Treaty, I believe, no Man in the Kingdom would have ever made an Objection to it: On the contrary, I am convinced, it would have been look'd on by the whole Kingdom, as one of the wisest Steps ever made by any *British* Administration; but as the *Spanish* Court neither performed, nor observed so much as one Tittle of what they had promised, therefore, some People now find Fault with every Article of that Treaty, and among the rest, with that which stipulates the introducing
of

Ann. 14 Geo. II. of *Spanish*, instead of *Neutral Troops*, into the strong Places of *Tuscany*, *Parma* and *Placentia*. My Lords, the Difference between *Spanish* or *Neutral Troops* being in those Places, is so very inconsiderable, that I am surprized to hear it made use of as an Objection to the Treaty of *Seville*. It was well known, that if the *Spaniards* should resolve to attack the Emperor in *Italy*, it would be necessary for them to send a much larger Body of Men into *Italy* than the 6000 stipulated by that Article, and this the Maritime Powers could prevent whenever they pleased; therefore, if the Court of *Vienna* had kept in good Terms with the *Dutch* and us, so as to make it both our Interests to protect his Possessions in *Italy*, these 6000 *Spanish Troops* would rather have served as a Pledge for the Performance of Treaties on the Part of *Spain*, than as a Means for attacking the Emperor in that Country: Whereas, if the Court of *Vienna* should forfeit the Friendship of the *Dutch* and us, it signified nothing whether the *Spaniards* had 6000 Men in *Italy* or no, because they could send 20,000 of their Troops thither whenever they had a Mind, without its being in the Power of the Emperor to prevent it. For this Reason, I must be of Opinion, that the Court of *Vienna's* Obstinacy, in refusing to admit of the Introduction of *Spanish* instead of *Neutral Troops* into the strong Places of *Tuscany*, *Parma* and *Placentia*, was a mere Puntilio of the Court of *Vienna*; and were we to sacrifice the Interest and Trade of our Country to a mere Puntilio of that Court? If any Minister had prevailed with our Court to do so, I am sure the noble Lord would have had more Reason to call our Conduct wicked, than he has now to call it weak.

* By that Treaty my Lords, we did not engage to enter into a War, in Conjunction with *France* and *Spain*, against the Emperor, nor against any other Power in *Europe*. Even with regard to the Dukes of *Tuscany* and *Parma*, who were the only Powers that had any real Interest in opposing the Entry of these Troops, we engaged only to use such Applications as should be consistent with their Dignity and Quiet. These two Dukes, I say, my Lords were the only two Powers that had any real Interest to oppose the Introduction of *Spanish Troops* into their Dominions: The Emperor could have no real Interest to do so, because by another Article in the same Treaty, those Troops were to be withdrawn, as soon as Succession stipulated by the Quadruple Alliance should take Place; and really, if the Dukes of *Tuscany* and *Parma* had agreed to receive such Troops into their strong Places, I do not see what Title the Emperor

peror had to oppose it; for the Sovereign Princes of the Ann. 14 Geo. II.
 Empire may bring what Troops they please into their Do-
 minions, provided they do not thereby disturb the Tran-
 quillity of the Empire. But suppose the Emperor had op-
 posed the Introduction of those Troops, and had by so doing
 come to a Rupture with *Spain*, it is evident from the very
 Words of the Treaty, that we were not obliged to take any
 Share in that War; and unless the Balance of Power in
Europe had been brought into Danger by the Event of the
 War, I do not think our Interest could have induced us to
 engage upon either Side of the Question.

But, my Lords, whatever bad Policy there might have
 been in this Engagement for the Introduction of the *Spanish*
 instead of *Neutral* Troops, which we entered into by
 the Treaty of *Seville*, it cannot be justly said that it pro-
 duced any bad Consequence. By our Treaty with the Em-
 peror in 1731, we got him to consent to the Introduction
 of *Spanish* Troops into the strong Places of *Tuscany*, *Parma*
 and *Placentia*, without any Opposition; and I am glad to
 hear the noble Lord approve of that Treaty: I am glad to
 hear, that any one good Treaty has been made, or any one
 wise Measure concerted, since he has had no Share in the
 Administration; tho' even that Treaty was not, it seems,
 in his Opinion, so good as it should have been. But if we
 did not by that Treaty get all we wanted, if we did not
 get proper Regulations settled for our Trade in the
Austrian Dominions, it must be allowed, we got two very
 good Things, which was, the absolute demolishing of the
Offend East-India Trade, and the establishing of the Tran-
 quillity of *Europe*, by the peaceable Introduction of the
Spanish Troops into *Tuscany*, *Parma* and *Placentia*; both
 which we obtained, without entering into any Engagement
 for doing any Thing, but what our own Interest would
 have led us to, if no such Engagement had ever been made.
 This Article therefore, with respect to us, produced no ill
 Effect; and with respect to the Emperor, can it be sup-
 posed, that if there had been no *Spanish* Troops in *Italy* in
 the Year 1733, the *French* would not have dared to attack
 or declare War against the Emperor? Can it be supposed,
 that the *Spaniards* having such an inconsiderable Body as
 6000 Men in *Italy*, was of any Weight in prevailing with
 them, or the King of *Sardinia*, to join the *French* in that
 War? Or can it be supposed, that the Success of the *French*
 and their Allies against the Emperor, would not have been
 as great as it was, tho' the *Spaniards* had not had a Man
 in *Italy* at the Beginning of the War?

Ann. 14 Ges. II.
1740.

‘ That War, my Lords, did not proceed from the *Spaniards* having a few Troops in *Italy*, nor from any Error or Misconduct in us. It proceeded entirely from the Misconduct of the Court of *Vienna*: That Court had intermeddled in the Election of a King of *Poland*, perhaps more than they had Occasion to do; and they had for many Years behaved in such a Manner towards the *Dutch*, as made that Republic very cool in every Thing that related to the House of *Austria*. The *French* knew that the *Dutch* would no Way intermeddle in the Quarrel between them and the Emperor: They had actually brought the *Dutch* into a Treaty of Neutrality before they attack’d the Emperor; and they supposed, as they very well might, that this Nation would not, without the *Dutch*, take any Share in the War, unless they and their Allies should push their Success against the Emperor so far, as to endanger the Balance of Power in *Europe*. With respect to our Trade, it would have been one of the most unwise Things we could have done, to have engaged ourselves in a War against *France*, *Spain* and *Sardinia*, whilst the *Dutch* remained neutral; for it would of course have transferred, during the Continuance of the War, a great Part of our Trade, and our whole Navigation, to the *Dutch*; so that if the War had lasted long, as it probably might, this Nation would have been undone, even tho’ we had met with the greatest Success in the Prosecution of the War; for whatever the Emperor might expect, this Nation could expect no Advantage from that Success, and the chief Burden of the War, with regard to the Expence, must necessarily have fallen upon us.

‘ This, my Lords, the *French* were very sensible of: They had experienced the Wisdom of some of those who had the Direction of our Affairs, from whence they foresaw, that we would not meddle in the War, when it was so contrary to our Interest to do so; and therefore, after having prevailed with the *Dutch* to agree to a Treaty of Neutrality, they thought they had a fair Opportunity for shewing their Resentment against the Court of *Vienna*, on Account of the Conduct of that Court, with relation to the Election of a King of *Poland*. These Considerations, I say, encouraged the *French* to attack the Emperor at that Time, and these Considerations, joined with the Hopes of getting something by the Event of the War, encouraged *Spain* and *Sardinia* to join with them. The Imperial Court therefore owed that Misfortune to their own Conduct towards the *Dutch*; for
however

however much we stood engaged to guarantee the Emperor's Possessions in *Italy*, by Virtue of the Treaties subsisting between him and us, we were not obliged to expose our Trade, and consequently ourselves, to certain Ruin on that single Account, especially as the Imperial Court had brought that War upon themselves, by endeavouring to prevent a free Election in the Kingdom of *Poland*.

Ann. 14 Geo. II.
1740.

' If the *French*, my Lords, had been actuated by such ambitious Motives of Conquest, as they were in *Lewis* the XIVth's Time, I shall grant, that we ought for our own Safety, as well as for the Safety of *Europe*, to have joined with the Emperor in that War; but we very well knew, and the Event shewed, they were not. They even bridled their Ambition, and put a Stop to their Conquests in the midst of Victory. They left the House of *Austria* very near as powerful as it was before, and they added but very little to their own Power; for if the House of *Austria* lost *Naples* and *Sicily* by that War, it got *Tuscany*, *Parma* and *Placentia*; and considering that these Duchies lie adjacent to the other *Austrian* Dominions in *Italy*, it cannot be justly said, that the Power of the House of *Austria* was much diminished by the Event of that War; nor was the Power of *France*, as I have said, much enlarged; for tho' by that Event the *French* got the absolute Property of the Duchy of *Lorain*, their Power was not thereby much enlarged; because they had before a Sort of arbitrary Power over that Duchy, and did actually take Possession of it, and put Garisons into all its fortified Towns, whenever they had the least Occasion for so doing.

' I cannot therefore see, my Lords, how the Affairs of *Europe* were brought into any unhappy Situation, or how the Balance of Power was endangered, by the Event of that War. I shall grant, that both these Misfortunes might have been the Consequences of the Prosecution of that War, if the *French* and their Allies had pushed their Conquests too far, or endeavoured to prosecute it in a different Manner; and, in order to prevent this, his Majesty took the best Method that could be taken in that Conjunction: He increased his Forces both by Sea and Land, and thereby put himself in Readiness to give a Check to any Views of Ambition, upon which ever Side they might appear. This, perhaps, was one of the Reasons, why the *French* were so moderate in their Demands, when they began to negotiate a Peace with the Emperor; and that

1740.

4 S 2

Peace

Ann. 14 Geo. II.

1740.



Peace I think, notwithstanding all that has been said to the contrary, left the Situation of Affairs in *Europe* in as happy a Situation for this Kingdom, as could well be desired. The Power of the House of *Austria* was much greater than it was in the Beginning of the late Queen *Anne's* Reign: The Power of *France* was not near so great, nor was the Union between the Crowns of *France* and *Spain* so firm, as at that Time; and if *France* had since shewed any such ambitious Views as she did at that Time, it would have been easy for this Nation to have formed a more powerful Confederacy against her. I shall indeed, admit, my Lords, that the present Situation of the Affairs of *Europe* is a little unfortunate for this Nation; but it is entirely owing to the unlucky Accident of the late Emperor's happening to die, before a King of the *Romans* was chosen. This Accident might, 'tis true, have been, and was, I believe, foreseen by our Ministers; but it was impossible for them to provide against it, without the Concurrence of the Court of *Vienna*, and a Majority of the Electors of the Empire; which was a Concurrence they could not absolutely command, had every one of them had as great Wisdom and Capacity as ever any Mortal Man was indue with.

Having now, I hope my Lords, removed all the Objections that have been made to our Conduct, so far as it relates to the Balance of Power, and the present Situation of Affairs in *Europe*, I shall take up but very little of your Lordships Time, in answering the Objections that have been made to that Part of our Conduct, which relates to our Affairs with *Spain*, or to our own domestic Affairs. Our Negotiations with *Spain*, my Lords, were all along founded upon this Principle, That as long as there was any Hopes of obtaining Redress by peaceable Means, we ought not to have Recourse to Arms. This Principle will, I hope, be allowed to be right itself, and it has been all along approved of by Parliament. Therefore, in those Negotiations his Majesty has acted rather by the Advice of his Parliament, than by the Advice of his Ministers; at least, if it was the Advice of his Ministers, it was such as has been approved of and recommended by his Parliament, which I must look on as a very strong Argument in its favour; for I shall always have a much greater Regard for the Voice of Parliament within Doors, than for the Clamours of the People without; and, for this Reason, I must be of Opinion, that a Minister's Wisdom and Steadiness may sometimes be the Cause of his becoming unpopular

unpopular. In all Countries, false Notions, Notions inconsistent with the public Good, sometimes prevail among the Generality of the People, especially when those Notions are inculcated and propagated by a Party who oppose the public Measures, not because they are wrong, but because they do not like the Men, or perhaps, because they are not the Men that advise and carry them on. This, I say, often happens in every Country, and in no Case so commonly as in that which relates to Peace or War. In such a Case, a Minister who looks into Futurity, and steadily pursues the Good of his Country, in Opposition to a prevailing Clamour, may become very unpopular, and may continue so for some Time; but, when the People become cool and have Leisure to consider Things seriously and maturely, that Unpopularity will be converted into a general Esteem, and he will be admired for his Steadiness as well as for his Wisdom; therefore it will be a very imprudent Maxim for the Sovereign, even of this free Country, to dismiss a Minister on account of any popular Clamour that may arise, or be spirited up against him.

We are not therefore, my Lords, to imagine, that our Ministers are guilty, either of Weakness or Wickedness, because they did not declare War against *Spain*, as soon as it was thought necessary by the Mob without Doors, spirited up by those who had suffered by the *Spanish* Depredations, and who of course were more swayed by Motives of Revenge, than by any Motives founded on the public Good of the Nation in general, which did not permit that we should enter into a War whilst there were any Hopes of obtaining Redress by Negotiation. This was our Case in the Year 1733, when the War happened between *France* and the Emperor. We had then very good Reason to hope, that *Spain* might be brought to reasonable Terms by fair Means; therefore we had no Occasion, on our own Account, to attack *Spain* at that Time; and I have shewn, that we had no other Call to take any Share in that War. From that Time, the Court of *Spain* still gave us Hopes of obtaining Redress by Negotiation, and, at last, went so far as to promise it by a solemn Treaty. I mean, my Lords, the Convention. I shall not trouble your Lordships with answering the Objections that have now been made to it, because they were all fully answered when it was under our Consideration: I shall only say, that if the Court of *Spain* had performed what they promised by that Treaty, and had afterwards acted as candidly as they treated, we should have had no Occasion to declare War against

Ann. 14 Geo. II.
1740.

X

Ann. 14 Geo. II. 1740. against them. But they did neither; and then, and not till then, a Rupture became necessary.

‘ As for our Conduct since that Time, my Lords, I did not expect, that, upon a Motion of this Kind, it should escape Censure; because, in Time of War, it is so easy to find Fault, let the War be never so well conducted. As our Complaints against *Spain* were founded upon their having seized some of our Merchant Ships upon unjust Pretences, the most proper Method of seeking Redress, after the Court of *Spain* has denied it by fair Means, was by Reprisals. We had no pretence for declaring War till the *Spaniards* seized our Ships in their Ports, and, without the least Pretence, published Reprisals against us. Upon this we declared War, and as soon as we had declared War, we began to prepare for attacking them in the proper Place; but we were first, in common prudence, obliged to prepare for our own Defence, not so much on Account of any Attack we had to fear from the *Spaniards*, as on Account of a neighbouring Power that might, perhaps, resolve to join with *Spain* against us. That Power has not, ’tis true, yet done so; but this may be owing to the Preparations we have made for our Defence at home; for nothing can be more effectual for preventing any other Nation’s joining with *Spain* against us, than their seeing, that it is out of their Power to hurt us. At the same Time that we provided for our Defence, we were likewise providing a Fleet, and a proper Number of Land-Forces, for attacking the Enemy; and if that Fleet did not sail so soon as it ought to have done, and was expected, it was owing entirely to contrary Winds, which, I hope, will not be looked on, as proceeding from the Weakness or Misconduct of our Ministers.

‘ Now, my Lords, with respect to our domestic Affairs, as I have shewn, that no Objection can be justly made to any Part of our Conduct relating to foreign Affairs, and as a great Part of the Expence we have been at, has been owing to the several Broils we have been involved in with the other Powers of *Europe*, if our Debts are not greatly diminished, nor our Taxes abolished, it is not owing to the Weakness of our Ministers, but to the extraordinary Expence we have been from Time to Time put to; and to a restless, disaffected Party at home, which has all along obliged us to keep in Pay a more numerous standing Army than we should otherwise have had Occasion for. And as to the severe penal Laws that have been enacted, and the dangerous Schemes that have been attempted, they relate only

only to the Collection of the public Revenue ; therefore, Ann. 14 Geo. II.
1740.
 it there be any Severity in the Laws, or if there was any Danger in the Schemes, both ought to be imputed to the Wickedness of our Smugglers and clandestine Traders, and not to the Weakness or Wickedness of our Ministers. This was the Case of the late Excise-Scheme, which, I still think, could not in the least have affected our Liberties, had it passed into a Law ; and am of Opinion, that the Clamours raised against it were chiefly owing to our Smugglers being conscious, that it would have been effectual for the End intended. It was this that made them so active in raising a popular Clamour against that Scheme, and considering their Numbers, and the Interest the People have in being able to purchase at a cheap Rate, I do not at all wonder at their Success.

‘ I hope, my Lords, I have now shewn, that we have not the least Occasion to address his Majesty to remove any one of his Ministers from his Councils ; and therefore, I hope the Motion will meet with the Fate it deserves : I am sure, I shall most heartily give it my Negative.’

The Duke of Argyle.

‘ My Lords, I shall join in this Observation made by Duke of Argyle.
 the noble Duke, That such an Address as is now proposed to your Lordships, was never agreed to, but in troublesome and factious Times ; but he and I may, perhaps, differ in the Application of these Terms. The Nation must always be in Trouble, when it has the Misfortune to be under the Government of a weak or wicked Minister ; and when such a one engrosses the Ear of his Sovereign, and thereby prevents all good Advice from approaching the Throne, there is certainly a most wicked and dangerous Faction in the Kingdom. But who, my Lords, are the Authors of that Trouble ? Who are they that are the Fomenters and Supporters of that Faction ? Not those that are endeavouring, by the legal Methods prescribed by our Constitution, to remove that Minister, but they that are for obstructing all such Methods, and for supporting him in that Power, which he has by his Cunning and Sycophancy usurped. The Minister, and his Creatures and Tools, are the Faction, and the sole Cause of the Nation's Trouble ; and when they, by obstructing all legal Methods of Redress, drive the People to the Extremity of being oblig'd to make use of violent Means, it is they, and they only, that are to be deemed the Authors of all the Misfortunes that ensue.

‘ In

Ann. 14 Geo. II.
1740.

‘ In this Light, my Lords, we ought to view all the Contests between Parliaments and Ministers, that are mentioned in our History ; for I defy the World to shew, that ever a Favourite of the Crown was attack’d by Parliament, either by Address, Impeachment, or otherwise, but such as highly deserved it. Will any one say, that the Earl of *Strafford*, in King *Charles* the First’s Reign, did not deserve to be attack’d by Parliament ? I am convinced the noble Duke will be as far from justifying all the preceding Measures of that Reign, as I shall be from justifying all the future Measures that were taken against that unfortunate and deluded Prince. But it was the violent Methods first made use of by the Court, that gave Rise to the violent Methods afterwards taken by the Parliament ; and therefore, it was not the Prosecutors of that King’s Ministers and Favourites, but the Ministers and Favourites themselves, that were the original Authors of all the Misfortunes, and of the fatal Catastrophe, that happened to him. In order to screen his Ministers from a Parliamentary Prosecution, he had abruptly dissolved several Parliaments, and had suspended the holding of any for a great Number of Years ; during which Time a Multitude of illegal and violent Means were practised by the Court, for raising much less Money than the Parliament would have willingly granted him, if he had given up some of his guilty Favourites to Justice. This inflamed the Spirits of the People to such a Degree, that it afterwards became easy for wicked and deceitful Men to direct that national Resentment against the Crown, which ought to have been directed only against the Ministers of the Crown ; and therefore, the Case of my Lord *Strafford*, instead of being a Warning to future Kings, not to allow their Ministers to be attack’d by Parliament upon general Rumours, ought to be a Warning to all future Kings, not to set themselves up as a Screen for their Ministers ; and, I hope, it will be a Warning to all future Parliaments, not to allow their Resentment to carry them beyond the Bounds prescribed by our Constitution.

‘ The Error committed by the Parliament, in the Case of the Earl of *Strafford*, was not in their having attack’d him as a weak or wicked Minister, but in the Method by which they carried on that Attack. Upon general Rumours and Accusations they found him guilty of High-Treason, and condemned him to die, by Act of Parliament, which was a Method of Proceeding that could not be warranted by our Constitution ; but will any one say, that it would have been wrong in the Parliament to have addressed the King to re-

move

move him from his Councils and Presence? Will any one say, *Ann. 14 Geo. 11.*
 that the Accusations brought against him, or the general Hatred he had drawn upon himself, were not sufficient for this
1740.
 Purpose? My Lords, the very Nature of our Constitution must convince us, that the public Odium alone is sufficient Cause for the King to dismiss any Minister that has drawn it upon himself, because, in a free Country, the King is to govern by the Affections of the People, and not, like arbitrary Princes, by the Terrors of his Reign. But as the King has no Way so proper for knowing the Sentiments of his People, either about the Measures he is advised to pursue, or the Ministers he is pleased to employ, as by the Addresses or Remonstrances of his Parliament; as the Sentiments of the People may be, and generally are, very much represented to him by his Ministers and Favourites, therefore it is our Duty to give him a true Information; and when we perceive that any one of the King's Ministers has incurred the general Hatred of the People, we betray our Sovereign, at least, we are guilty of a Failure in our Duty towards him, if we do not address him to remove such a Minister; for no King can expect to preserve the Affections and Esteem of the People, if he employs such as are hated and despised by them.

'An Address therefore, my Lords, to remove a Minister from the King's Councils and Presence, may be sufficiently founded upon general Rumours, or general Disgusts, and may be agreed to, nay, in many Cases, ought to be agreed to, without any particular Accusation, and, consequently, without any Proof. A Minister's Character neither is, nor can be affected by such an Address; for a Man's Character depends entirely upon his own Conduct, and can never be lost by any sort of judicial Proceeding. On the contrary, if a Man be really innocent, and by some Error in his Conduct, or some extraordinary Misfortune, has had his Character exposed, or brought under Suspicion, by a full and fair Trial the Suspicion will be removed, and his Character restored; so that if a Minister has lost his Character, and has fallen into a general Hatred among the People, an Address for removing him, may be a Means for restoring his Character; because, after he is, in pursuance of that Address, removed, he may then be brought to full and open Parliamentary Trial, and fairly acquitted of all those Crimes, or Failings, he was before supposed to be guilty of; which never can be the Case, as long as he continues in Power; for, during the Continuance of his Power, every Enquiry into his Conduct

• Ann. 14 Geo. II. will be some Way influenced by the Favours he has to bestow ; and even, suppose he should be fairly acquitted, it will not restore his Character, because the World will believe his Acquittal was not owing to his Innocence, but to his Influence.

1740.

‘ For this Reason, my Lords, I hope we shall have, in this Motion, the Concurrence of all those who have a true Regard for the Character of the Minister, and, at the same time, a thorough Conviction of his Innocence. I believe every Lord in this House is sensible, that he has already lost his Character with a great Majority of the People of this Nation ; and that he is generally, and violently suspected, not only of great Failings, but of heinous Crimes. Is not he suspected of having solely engrossed the Ear of his Sovereign, and excluded from his Master’s Presence, as well as Confidence, every Man that disdains being a Slave to him ? Is he not suspected of having engrossed the sole Disposal of all the Favours of the Crown, and the sole Direction of all the Officers of the Kingdom ? Is he not suspected of having endeavoured to destroy the Independence of Parliament, and the Freedom of Elections, by making an abject Submission to his Will and Direction the sole Title to the obtaining of any Favour from the Crown, or the holding of any Post which the Crown can take away ? Is he not suspected of having applied the public Money towards gaining an undue and corrupt Influence, both in Parliament and at Elections ? Is he not, in general, suspected of having a Design, by the Continuance and Increase of useless Offices, and the Multiplicity of Penal Laws, to establish in the Crown an absolute and uncontrollable Power ? And, with regard to Foreign Affairs, is he not suspected of having, by his Weakness or Wickedness, sacrificed the Interests of his Country, and the Interests of *Europe*, to the cultivating of a dangerous Friendship and Correspondence with *France* ? Is he not suspected of having exposed both the Honour and the Trade of his Country to the Insults of *Spain*, for no other Reason, but for the sake of preserving that Friendship and Correspondence ?

• ‘ These, my Lords, and a great many more I could mention, are Suspicions his Character now lies exposed to. That these Suspicions are generally entertained, no Man can be ignorant, that ever makes an Excursion beyond the Purlieu of the Court, or converses with any independent Man in the Kingdom. That the People are generally dissatisfied with our public Measures, and, consequently, with those

those that advise them, is evident from the great Sale of Ann. 14 Geo. II.
all Pamphlets and Papers on one Side, and the bad Reception given to the gratuitous Pamphlets and Papers on the other; for this cannot be owing to any Superiority of Genius in the Authors, because, when the Measures of a Government are right, those of the brightest Parts will certainly engage in their Defence; and yet we have seen in our Days, what Posterity will scarce believe: We have seen Parliaments approving what no Man of Genius would deign to defend. Thus, my Lords, I have laid before you a true State of the Case, with regard to the Character of the Honourable Gentleman whose Conduct is now under our Consideration; and as this is really the Case, if I were convinced of his Innocence, as a Friend to him, I should advise him to resign, in order that he might have his Character vindicated by an impartial, a strict, and a fair Enquiry; and, if he refused my Advice, I should, from that very Refusal, begin to suspect his Innocence, and, consequently, should agree to the Address now proposed.

‘ This, I say, my Lords, should be my Behaviour as a Friend to him, if I were convinced of his Innocence; but as I have my own Suspicions, as well as other People, and have, perhaps, more Reason than most other People, therefore, as a faithful Counsellor to my Sovereign, which I have the Honour to be, by my having a Seat in this House, and as a sincere Friend to my Country, I must be for agreeing to the Address proposed; and that my Suspicions may appear not to be groundless, I shall take the Liberty to examine some of our late public Measures, and endeavour to shew the Weakness of those Arguments that have been made use of for their Justification. In the doing of which, I shall take the noble Duke’s Advice, and consider the Circumstances of Affairs, and the Appearance of Things, as they stood at the Time those Measures were concerted; which I may with the greater Freedom do, because I had no Share in advising them; for though I was one of his Majesty’s most Honourable Privy-Council, it is well known, I seldom attended, thinking my Attendance both unnecessary and improper, when I found my Advice was of no Weight, nor the least Regard had to what I said in Support of it; from whence I had great Reason to suspect, that the Resolutions of that Board were forestalled, and that we came there only to give an Authority to, and, perhaps, an Excuse for, what had somewhere else been resolved on.

‘ This, my Lords, has been long one of my Suspicions, and from hence I cannot but with the rest of the Nation suspect,

An. 12 Geo. II.

1740.

suspect, that the Minister, whose Conduct is the Subject of the present Debate, has solely engrossed the Ear of his Sovereign; and that a cold Reception at Court is generally the Consequence of differing in any material Point from this Minister, I believe, several of your Lordships as well as myself are Examples. These Examples, my Lords, if they are not Proofs, they afford at least strong Presumptions, and are one of the Causes of the Nation's believing, that this Minister has solely engrossed the Ear of his Sovereign, and thereby usurped the sole Disposal of all the Favours of the Crown, and the sole Direction of all the Royal Offices in the Kingdom; and this Suspicion is confirmed by what every Man must observe, that ever heard of the Crowds at his Levee. By that Department which properly belongs to him, he has to do with nothing but what belongs to the Management of the public Revenue; and therefore, if he confined himself to his own Department, he could have his Levee frequented by none but such as are soliciting Warrants from the Treasury, or Polls in the Collection and Management of the public Revenue; and considering the Amount of the present Revenue, and the Number of Officers employed, I should think that this alone would afford a Crowd sufficient for satisfying the Vanity of any Minister in the Kingdom.

But instead of this, my Lords, does not every one know, that the Levee of this Minister is haunted by Lords who, I hope, neither have nor expect any Pensions? By Land and Sea Officers, who ought not to be allowed to expect any Preferment by his Favour or Recommendation? By Lawyers, who ought not to be allowed to expect being appointed Judges by his Means; and by many of the Reverend Bench, and Multitudes of other Clergymen who, I hope, expect Translations or Preferments from their Piety and Learning, and not by neglecting their Devotion, and trifling away their precious Time in attending his Levees? My Lords, it is needless to deny or disguise this Charge: The Candidates for Preferment have in all Countries most excellent Noses: They will smell out the proper Road to Preferment; and when the World sees Candidates of all Sorts in one Road, the World will judge, and most reasonably judge, that to be the sole Road to Preferment. From hence the general Suspicion against this Minister has arisen. If the Suspicion be well grounded, he is in some Degree guilty of High Treason, by the known Laws and Constitution of this Kingdom, and ought to be impeached as well as removed; but the very Suspicion is a sufficient Cause for addressing the King to remove him, because the
People

People can never be easy whilst a Man is in Power who, in Ann. 14 Geo. II.
 their Opinion, is a Traitor against the Laws and Constitution of his Country; for a Man who is in Danger of suffering by the Law, will certainly endeavour to overturn the Law. Therefore, to dissipate the Fears and Jealousies of the People, and to make them easy under the Government of their Sovereign, such a Minister ought to be removed; and after he is removed, the Parliament may, without running the Risk of being thought corrupted, acquit him, if upon a fair Trial he appear to be innocent; and every Member may then, without Fear, give his Vote against him, if he should appear to be guilty.

‘The next general Suspicion I took Notice of is, his having endeavoured to destroy the Independency of Parliament and Freedom of Elections, by disposing of the Favours of the Crown to such only as vote in Parliament, or at Elections, according to his Direction, and turning every Man out of the Employment he holds at the Pleasure of the Crown, if in either Case he disobeys his Orders. My Lords, the Maxim which is the chief Corner Stone of our happy Constitution is, that the King has nothing to do with a Man’s Behaviour in Parliament or at Elections. King *William* was so sensible of this, that when his Ministers advised him to dismiss an Officer of the Army, for having voted upon some Occasion against them in Parliament, he answered as every just King ought, and as every wise one will, The Gentleman has always behaved well as an Officer of the Army, and I have nothing to do with his Behaviour as a Member of Parliament. This, my Lords, ought to be the Maxim of every King of this Country; for if the contrary Maxim should ever prevail, If the King should lay it down as a Maxim, not to bestow a Favour upon any one, or continue in Commission any Officer, but such as vote according to the Directions of his Ministers, the Disposal of the Posts and Offices necessary for the Support of our Government, must either be taken from the Crown, or the Crown will take from the Parliament its Independency, and consequently from our Constitution its Happiness and Freedom; therefore I must be of Opinion, that it is a high Degree of Treason in any Minister to advise the King to lay down such a Maxim, or to have any Regard to a Man’s voting in Parliament, or at Elections, in the Distribution of those Favours which the Crown has to bestow,

‘That the Minister now proposed to be removed is guilty of this Crime, is not only generally suspected, but must, I think, evidently appear to every one who considers

Ann. 14 Dec. II.

1740.



ders either his Practice, or his Declarations. His Practice is well known to every Man in the Nation, and has been confirmed by many flagrant Instances in both Houses of Parliament; and his Declarations have been so extravagantly open, that he seem'd to brave the Constitution, and defy the Laws of his Country. No longer ago than last Session but one, he declared openly, in the very Face of a House of Parliament, 'That he should think him a very pitiful Fellow of a Minister, who did not turn any Officer out of the Army, that endeavoured to make him less a Minister, by opposing his Measures in Parliament.' This, my Lords, was so open a Declaration of his criminal Intentions, such an avowed Attack upon the very Essence of our Constitution, and delivered in such a Place, that I am surprized it did not occasion an immediate Impeachment. From a Man who was no Minister, such a Declaration might be considered only as a bare Opinion; but from a Man who was well known to be a Minister, and generally believed to be the sole Minister, it was a great deal more than an Opinion. My Lords, it was an overt Act, a direct Attack upon our Constitution, because it was openly directing the Officers of the Army how to behave at Elections, and in Parliament: It was threatening them, that if they did not sacrifice their Honour in Parliament to his Favour, they should their Commissions in the Army to his Resentment.

'Thank God! I was not a Member of the Assembly where these Words were spoken: I could not have heard them with Patience: I can scarcely repeat them with Patience; but I have, my Lords, I believe every one of your Lordships has as good Proof of such Words being uttered, and of their being uttered by this Minister too, as can be had of any such Fact whatsoever; and if your Lordships believe this Fact, can you hesitate a Moment about addressing his Majesty to remove him from his Councils and Presence for ever? My Lords, this very Declaration, if there were nothing else, has made it absolutely inconsistent with our Constitution for his Majesty to keep him any longer in his Service; for while he continues to be a Minister, no Man that has, or expects any Post or Office under the Crown, can vote with Freedom either at Elections or in Parliament. A Man may vote according to his Conscience, let the Consequence be what it will; but no Man can be said to vote freely, when he knows that his Subsistence, or a principal Part of his Subsistence, depends upon his voting against his Conscience; therefore it is evident, that
the

the Existence of our Constitution is by this Declaration *Ann. 14 Geo II.*
 rendered incompatible with the Existence of this Man's
 ministerial Power, and, I hope, no Lord of this House
 will make the least Doubt, which of these two Existences
 ought to be put an End to. 1740.

Before this Declaration was made, my Lords, I suspected that large Sums of the public Money had been applied, by this Minister, towards gaining an undue and corrupt Influence both in Parliament and at Elections; and, indeed, every Man must have the same Suspicion, who considers what large Sums have been granted by Parliament for Secret-Service-Money, and yet what astonishing Ignorance our Ministers have upon several Occasions appeared to be in, with regard to the Designs of foreign States. The same Suspicion must likewise be entertained by every Man who considers what a vast Civil List Revenue his present Majesty enjoys, and yet with what Parsimony it is applied to every known and every laudable Purpose. But the Minister's making this Declaration so openly, and in such an Assembly, has brought my Suspicion in this respect almost to a Certainty. I can make no Doubt, that a Minister capable of making such a Declaration, is capable of applying the public Money to such secret and unlawful Purposes; and I am convinced, he would not have ventured to have made such a Declaration, if he had not been well acquainted with the powerful Effects of Corruption.

Now, my Lords, with regard to the Suspicion of his having a Design, by the Continuance and Increase of useless Offices, and the Multiplicity of Penal Laws, to establish in the Crown, or rather the Ministers of the Crown, an absolute and uncontrollable Power, I think his Design appears pretty plain from his own Declaration; for a Minister that declares, he will turn any Officer out of the Army that shall dare to vote against his Measures in Parliament, will not scruple to turn any Civil Officer out of his Employment, or to execute rigorously a Penal Law against any Man that shall vote either in Parliament, or at the Elections, contrary to his Orders; and when such a Minister loads the Nation with useless Offices, or unnecessary Penal Laws, we may easily see, that his Design is to render his Power uncontrollable, by rendering himself Master of a Majority of our Elections; for though no Minister can, by any corrupt Means, secure a Majority in this House, while it consists of such honourable Members as it does at present, yet if a Minister

Ann. 14 Geo. H.

1746.



lier should once be secure of having always a Majority in the other House, your Lordships know, that by an Encroachment, which is now become a Part of our Constitution, a Minister that has got the sole Guidance of his Sovereign, may secure to himself a Majority in this House; and therefore, for the Sake of preserving the Dignity and the Independency of this House, we must take Care to preserve the Dignity and Independency of the other.

‘ As for the Posts and Offices in the absolute Disposal of the Crown, our present Minister, my Lords, had no great Occasion to increase the Number of them; for the Debts contracted in the two late heavy Wars, and the Taxes imposed for the Payment of those Debts, with a little ministerial Art, had created such a Multitude of new Commissioners, Collectors, Supervisors, Accountants, Comptrollers, Excisemen, Custom-house Officers, and the like, that our present Minister had no Occasion to increase their Number. He had nothing to do but to turn them to that Use which no former Minister durst venture to attempt, I mean that of influencing Elections; and yet a greater Number of Clerks, and other inferior Officers, have been added, during his Administration, to almost every Board in the Kingdom; and during a long, peaceable Administration, he has taken Care not to reduce or pay off any considerable Part of our Debts; because if that had been done, some of our heavy Taxes must have been abolished, and this, of course, must have been attended with the Disbanding those Officers that were employed in the Collection and Management of them. This, I am now convinced, has been one of his chief Views through the whole Course of his Administration; and this must now afford many of your Lordships good Reason to condemn some of those Measures you were formerly induced to approve; for, no Man ought to think it beneath his Dignity to change his Opinion, either about Men or Measures, when the Consequences of the latter, or the future Behaviour of the former, furnish him with substantial Reasons for such a Change.

‘ Then, my Lords, as to the Penal Laws that have been enacted, besides those that have been unsuccessfully attempted, I believe no Minister, antient or modern, can rival our present Minister in this Particular. The Excise Laws, which are the most proper for enlarging the Power of a Minister, because the Penalties may be exacted, modified, or forgiven, according to his Pleasure,
have

have been multiplied and enlarged to a great Degree ; *Ann. 14 Geo. II^o*
 and if the *Excise Scheme* had met with Success, I will
 venture to say, that no Man that dealt in Tobacco, and
 consequently no Shop-keeper in any Country Town or
 Village in the Kingdom, would have dared to give his
 Vote at any Election contrary to the Orders of the Mi-
 nister, signified to the poor Shop keeper by his Exciseman.
 To pretend that the Clamours against this Scheme were
 raised by Smugglers and clandestine Dealers, is something
 very extraordinary. Does not the noble Duke remember,
 that Petitions came up against it from all the great trading
 Towns in the Kingdom ; and that those Petitions were
 signed by the most eminent Merchants in all Sorts of Bu-
 siness ? Does his Grace think, that there is not a fair Tra-
 der in the Kingdom, or that it is not the Interest of the
 fair Trader to prevent Smuggling ? My Lords, if that
 Scheme had been contrived for nothing but to prevent
 Smuggling, and had been thought effectual for that End,
 the very Persons who petitioned against it, would have
 petitioned in its Favour : Instead of lighting up Bonfires at
 its being rejected, they would have been lighted up upon
 its being passed into a Law ; and instead of Ministers and
 Members of Parliament, we should have had Thieves and
 Smugglers burnt in Effigy in all Parts of the King-
 dom.

But, my Lords, the trading Part of the Nation
 were not so blind, as to allow themselves to be imposed
 on by such a thin Cobweb. They perceived the real
 Design of that Scheme, which was not to prevent Smug-
 gling, but to put it in the Power of the Minister to make
 a Smuggler of the most innocent Man in the Kingdom,
 he dared to disobey his Orders in Parliament or at Elec-
 tions ; and whether this would not have affected our Li-
 berties, I shall leave to your Lordships to judge. But
 must observe, that one of the Consequences of that Scheme
 afforded us a most convincing Proof, how ridiculous it is
 to attack the Conduct of a Minister, or even the Con-
 duct of his Tools, whilst he himself remains in the full
 Possession of his Power. The Frequency of Smuggling,
 the fraudulent Practices of Smugglers, and the Defects in
 the Laws against Smuggling, was the chief Argument
 made use of by the Patron of that Scheme and his Friends,
 for inducing Gentlemen to agree to it. On the other
 hand, the Merchants and their Friends alledged, that the
 Frequency of Smuggling was not owing to any Defect in
 the Laws, or in the present Methods of collecting the
 public

Ann. 14 Geo. II.

1740.

public Revenues, but to the Frauds and Neglects of the Custom-house Officers, and the little Care taken by those that had the Appointment and Superintendency of them. This the Merchants insisted on, and said they could prove before a fair and impartial Tribunal. This brought on a Motion in the other House, for appointing a select and select Committee, to be chosen by Ballot, for enquiring into the Abuses and Frauds of the Customs. As our Minister, in his proper Department, has the chief Superintendency of the Treasury, and consequently of the Customs, he could not well oppose this Motion; but he had such an amazing Influence over that House of Commons, that, notwithstanding the Ballot, he got them to chuse a Committee consisting, I shall not say of the Minister's most obsequious Slaves, but I may say of his surest Friends: Nay, the very Commissioners of the Treasury themselves, all, I believe, but the Minister, were chosen of that Committee. That is to say, the Commissioners of the Treasury, and a few of their most intimate Friends, were chosen by a House of Commons, to enquire into the Conduct of the Commissioners of the Treasury, with regard to the Abuses and Frauds of the Customs. Was not this, my Lords, a most glaring Instance of the Dependency of a House of Commons upon a Minister? Could the Merchants expect an impartial Hearing from such a Committee? They never gave themselves once the Trouble of attending; and according to Expectation, the Enquiry ended in a Justification of the Commissioners of the Treasury, and of their Deputies the Commissioners of the Customs; but to the World could this be a Justification or a Vindication of the Characters either of the Principals or Deputies? On the contrary, it confirmed the Suspicion of the Minister's having an undue Influence over that House of Commons, and with me is a most unanswerable Argument for agreeing to this Address.

' My Lords, if upon such a well-founded Suspicion of a Minister's having acquired to himself an undue Influence in Parliament, and his declaring openly and expressly that he would make use of such an Influence, a Parliament should refuse addressing the King to remove him, what would the People say of such a Refusal? What could they expect from such a Parliament? Would any Man be so mad as to bring a direct Accusation against such a Minister before such a Parliament? Could any Man there expect to convict such a Minister upon the most particular and the clearest Proofs that were ever laid before

fore any Tribunal ? The certain Consequence would be, a judicial and formal Acquittal of the Minister, let his Crimes be never so heinous and manifest ; and a severe Parliamentary Sentence against the Accuser, let his Proofs be never so clear and connected. This will of course embolden not only our present Minister but all future Ministers : The Suspicions of the People will daily increase : Their Discontents may turn to Disaffection ; Their Despair of obtaining Redress may drive them to seek for it by violent Means ; and the Consequence of this God alone can tell. Whereas your agreeing to this Address can be attended with no bad Consequence, either to the Kingdom, or to the Minister if he be innocent ; and if he be guilty, surely no one of your Lordships would desire to have him continued in Power.

The Arguments I have hitherto made use of, are all drawn from the Suspicions that lie against our present Minister, with regard to domestic Affairs ; but, my Lords, with regard to foreign Affairs, the Suspicions against him are of a more heinous Nature, and, if possible, they now seem to be better founded than the other. Our Minister by his Conduct in domestic Affairs, has rendered himself suspected, and I think I have shewn justly suspected, of sacrificing the Liberties and Constitution of his Country to his own Power and Grandeur, perhaps to his own Safety ; but by his Conduct in foreign Affairs, he has rendered himself suspected of sacrificing the Honour, the Trade, the Navigation, nay, the very Being of his native Country, to the Interests and Views of its most antient, its most constant, its most dangerous Enemy. This, my Lords, was so fully explained by the noble Lord who introduced this Debate, that I shall only touch upon some particular Circumstances by Way of Answer to what has been said by the noble Duke. It is long, it is many Years since some amongst us suspected, that our Councils were too much under the Influence of *France*. These Suspicions have every Day gathered Strength and grown more and more general, 'till now at last they are, by the Consequences of our Conduct, I think, absolutely confirmed. Will any one say, that the Affairs of *Europe* are now in a happy Situation ? Will any one say, that the Balance of Power in *Europe* is at present in no Danger ; or that the Danger it is in can be easily removed ? Will any one say, that this Nation is in a happy State, when we are in imminent Danger of being obliged to sacrifice our

Ann. 14 Geo. II.

1740.

Ann. 14 Geo. II.
1740.

American Trade to the wild Pretensions of *Spain*, or, without one Ally, to support a War against the united Power of *France* and *Spain*? This is the present Situation of *Europe*: This is the present Situation of this Nation; and the noble Lord has shewn, that both are chiefly owing to our having kept up a Friendship and Correspondence with *France*, at the Expence of our Honour, at the Expence of our Trade, and at the Expence of our most natural Ally.

‘ The noble Duke was pleased to tell us, the Minister had no Share in the Council that advised the Treaty of *Hanover*. If this be true, and I am convinced the noble Duke thinks so, it is one of the strongest Arguments for agreeing to this Motion. That Minister is now loaded with the whole Blame of that Treaty, and of all the fatal Consequences that ensued: He can no Way remove this Load, but by laying himself open to a fair and impartial Inquiry into his Conduct, which never can be carried on, at least the Nation will not believe it can be carried on, as long as he has the Distribution of all the Favours and Rewards the Crown can bestow, and of all the Penalties and Punishments the Crown can inflict; therefore, if he had any true Regard for his Character, he would voluntarily lay himself open to such an Enquiry; if his Friends have a sincere Regard for him, they will take the most gentle Method for compelling him to do so, which is by agreeing to the Address proposed. If they refuse to do so, their affirming, that their Friend had no Share in advising that Treaty, or any other fatal Measure, will signify nothing; for whatever your Lordships may do, I am sure the Nation will not believe them.

‘ But, my Lords, with regard to this Treaty of *Hanover*, the Minister and his Friends have, it seems, two Strings to their Bow: They first deny he had any Hand in it; and next, they endeavour to justify that Treaty, and all the Measures that were taken in Pursuance of it. The Account we had of a private Treaty between the Emperor and *Spain* was certainly true: By that Treaty the Emperor put a high Affront upon this Nation, and *Spain* was to bring the Pretender upon us, to destroy our Trade, and to take *Gibraltar* and *Port-Mahon* from us: If we offered to resent this Affront against the Emperor, or to protect our Trade and Dominions against *Spain*, the Emperor was to attack *Hanover*: In this Situation we could have no Recourse, no Refuge,
but

but in an Alliance with *France*. These, my Lords, are the Arguments made use of for justifying the Treaty of *Hanover*: But can any Man be serious that now makes use of such Arguments? Without derogating in the least from the Respect due to his late Majesty, for whose Memory I have the greatest Regard, I will venture to affirm, there was no such private Treaty between the Emperor and *Spain*. His late Majesty was imposed on by his Ministers, and they were imposed on, to say no worse, by the Ministers of *France*. This might be the Case, and by this his late Majesty was induced to mention this Treaty in his Speech to his Parliament: But the Emperor could not be imposed on: If he had signed such a Treaty, he must have known it; and neither could nor would have denied it so expressly and solemnly as he did. This Fact therefore being false, all the Reasoning founded upon it must fall to the Ground. But, my Lords, suppose it were true: The Affront was atoned for, by the Emperor's denying that Treaty in the solemn Manner he did; and we might have guarded against the Danger without any Alliance with *France*. Neither the Trade nor the Dominions of *Great-Britain* could be in the least Danger from any Attack *Spain* and the Emperor could make upon them; and the Emperor could not attack *Hanover* without breaking through the fundamental Constitutions of the Empire, which would have brought all the Princes of the *Germanic* Body to our Assistance; and such a Confederacy would have been sufficient for protecting *Hanover* without the Help of *France*; which, instead of courting, we ought to have refused, because their intermeddling in the Affairs of *Germany*, will always be of dangerous Consequence to the Balance of Power in *Europe*.

I am surprized, my Lords, to hear it now pretended, that the Affair of *Thorn* had the least Share in drawing us into the Treaty of *Hanover*. That cruel Affair was, indeed, made use of both by *France* and us, for drawing the King of *Prussia* into the Alliance; and accordingly there was a separate Article for obtaining Reparation for what had been done at *Thorn*, contrary to the Treaty of *Oliva*; but the King of *Prussia* soon perceived, or imagined he perceived, that neither *France* nor we were sincere in that Article, therefore he deserted the Alliance, and it is certain, that nothing was ever done in pursuance of that Article, because the Interest of *France* was no Way concerned in performing it. But
where

Ann. 14 Geo. II.
1740.

Ann. 14 Geo. II. where the Interest of *France* was concerned, we did a great deal more than we were obliged to do by that Treaty; and when *Spain* declared War against us on that Account, we did not do so much as we ought to have done, because it was not the Interest of *France* we should.

3740.

* My Lords, it is so evident, that our Minister has sacrificed the Safety of *Europe*, and the Credit of his native Country with every one of its antient Allies, to the Friendship of *France*, that I should be ashamed to take up your Time with answering or exposing the poor Excuses that are made for his Conduct. If by that Means he had preserved the Tranquillity of his Country uninterrupted, and made the proper Use of that uninterrupted Tranquillity: Or if he had obtained from *France* a Settlement of the Disputes still subsisting between the two Nations, or any Advantages for our Trade in that Kingdom, it would have been some sort of real Excuse for his Conduct. But he has, at the Desire of *France*, involved his Country in continual Broils either with *Spain* or the Emperor, and and from thence has taken Occasion to load it with such an extraordinary Expence, either for giving Weight to his fruitless Negotiations, or enforcing the Observance of his useless Treaties, that we are now as much, if not more, involved than we were at the End of the last heavy War; and during this whole Time, what has been the Behaviour of *France* towards us. They have been not only cramping our Trade in their own Dominions, but encroaching upon it in every other Part of the World. This is not all, my Lords: It is highly probable, that they have been underhand encouraging *Spain* to interrupt our Trade and Navigation in the *American* Seas, and at the same Time threatening us, that if we attempted to do ourselves Justice, they would join with *Spain* against us. When we reflect upon this, my Lords, it is not possible to account for the Conduct of our Minister, from any Motives founded upon the Interest or Prosperity of this Kingdom. From hence has arisen a general Suspicion, that from some private Motives of his own he has sacrificed the Interests of his Country, and the Interests of *Europe*, to the cultivating of a dangerous Friendship and Correspondence with *France*; and this Suspicion has greatly increased since the Commencement of the War with *Spain*.

‘ If we consider the Interest of *France*, and the Interest of *Britain*, with regard to the Disputes between *Spain* and us, we shall find them directly opposite to each other; and if we examine the Conduct of our Minister, either in his Negotiations for Peace, or his Prosecution of the War, we shall find that he has, without Variation, pursued the Interest of *France*, in Opposition to that of *Great Britain*. When *Spain* first set up the Pretence of searching our Ships in the Seas of *America*, and confiscating them, if they found any of those Goods on board, which they were pleased to call contraband, it was easy to see, that till this Pretence was expressly given up, we could enjoy no free Trade or Navigation in that Part of the World, nor could there be any cordial Friendship between *Spain* and us, which of course would be a great Detriment to our Trade, and consequently a great Advantage to the Trade of *France*. It was, therefore, the Interest of *France* to have this Dispute remain unadjusted as long as possible, it was the Interest of *Britain* to have it adjusted, either by fair or foul Means, with the utmost Dispatch: Consequently it was the Interest of *France* to have the Negotiations between *Spain* and us, about this Point, protracted as long as possible; and it was our Interest to state plainly and clearly the Point in Question, and to insist upon a peremptory and speedy Answer. According to this State of the Case, I shall leave your Lordships to judge, whether our Minister, in his Negotiations for Peace, pursued the Interest of *France*, or that of *Great-Britain*. But I must observe, that upon this Question the Nation, the World, has already past Judgment; and if your Lordships Judgment should be different, I must beg of you to consider, what the Consequence may be with regard to the Character of this House.

‘ It is well known, my Lords, that it was not our Minister that put an End to our Negotiations: It is well known, that he was forced into the War. The Spirit of the Nation made it absolutely inconsistent with his personal Safety to treat any longer; and his Majesty’s natural Genius concurring with the Spirit of the Nation, the Minister was obliged to give Way to the Torrent, and to seem at least passive, by which Means a War was at last resolved on. Let us now see, what was the Interest of *France*, and what was the Interest of *Britain*, with regard to the Prosecution of the War. It was the Interest of *France*, to have us prosecute the War

Ann. 14 Geo. II.
1740.

Ann. 14 Geo. II.
1740.

War in that Manner which would make it most tedious, least advantageous to this Nation, and most burdensome and destructive to our Trade and Navigation: It was the Interest of *Britain* to prosecute it in that Manner which should bring it to the speediest Conclusion, which might bring the greatest Advantage to this Country, and which might be the least burdensome or destructive to our Trade. To bring the War to a speedy Conclusion, and to reap some lasting Advantage from it for the Nation, it was incumbent upon us to prepare, as soon as it was resolved on, for sending a powerful Fleet, with a sufficient Number of Land-Forces on board, to *America*, in order to make as many Conquests there as possible; and to have sent another Fleet to the *Mediterranean* and Coasts of *Spain*, with a Number of Land-Forces on board; not to make Conquests, but to make Incurfions, in order to have kept them in continual Alarms, and to prevent their being able to send any Reinforcements to their Settlements in *America*: And to make the War as little burdensome or destructive to our Trade as possible, we ought to have fitted out no more large Ships than we had absolutely occasion for; but as many small Ships and Sloops of War as possible, for protecting our Trade, by intercepting and destroying the Enemy's Privateers; and in order to draw away as few Seamen as possible from the Merchant Service, we ought to have begun with giving great Encouragement for able-bodied Landmen to enter into his Majesty's Sea Service, and to have accepted of all such as offered to enter.

These, my Lords were the Methods by which we ought to have begun and prosecuted the War, if the Interest of *Great Britain* had been considered or pursued; and if these Methods had been taken, the War might have been over before this Time; for *Spain* would have found itself under a Necessity of submitting to our Terms. I need not explain to your Lordships what we have done, or have not done; for every Man in *Britain* knows, that we began and prosecuted the War by Methods directly contrary to these. Every one knows that we have hitherto prosecuted the War in that Manner which must make it tedious, in that Manner which can bring no Advantage to this Nation, and in that Manner which has been vastly burdensome and destructive both to our Trade and Navigation; and therefore, every one must conclude that our Minister has, in the

the Prosecution of the War, as well as in the Negotiations for Peace, had a View to the Interest of *France*, in Opposition to that of his native Country. When this is the Conclusion made by most Men in the Kingdom, can we suppose, that our People will pay their Taxes with Pleasure, or that the War can redound to the Honour or Advantage of this Kingdom, whilst this Minister has the Direction of our Affairs? When the Affairs of *Europe* are at such a Crisis, when the Affairs of this Nation are in such a ticklish Situation, can any Lord in this House scruple addressing his Majesty to remove a Minister who has shewn by his Conduct, both in Peace and War, that he regards nothing but the Interest and Friendship of our greatest Rival and most inveterate Enemy? What may have been his Motives for holding such a Conduct, I shall not pretend to determine; but if they proceed from nothing but Weakness, it must be a Weakness of a most extraordinary Nature: Of such a Nature as must render him very unfit for having the chief Direction of the Affairs of such a powerful Nation at such a critical Conjunction; and therefore, even suppose his whole Misconduct to proceed from Weakness alone, it is a sufficient Reason for our addressing his Majesty to remove him.

‘ But I’m afraid, my Lords, his Misconduct does not altogether proceed from Weakness. He knows he is generally hated by the People of his own Country: He knows he has been long hated by them: He knows, that nothing but the Favour of the Crown protects him against their Resentment; and as that may fail him, or may be withdrawn, he is, perhaps, courting an Asylum amongst the Enemies of his Country. If this be the Case, how unhappy will this Nation be, in case your Lordships should refuse agreeing to the Address proposed? The People will not think your Refusal proceeds from his Innocence, or your Approbation of his Conduct. However groundlessly, they will think your Refusal proceeds from that very Crime of which he is so generally suspected; and this will increase their Hatred towards him, which must necessarily increase his Attachment to the Views, and his Obedience to the Orders of those from whom he expects Protection in Case of Distress. How fatal may the Consequence of this be to *Europe* at this critical Conjunction? What an irrecoverable Ruin may it bring upon this Nation? I shall add no more, but beg, that, upon this important Occasion, your Lordships would have a due Regard to the Interest of *Europe* in general, to the Interest

Ann. 14 Geo. II.
1740.

Ann. 14 Geo. II. of your native Country in particular, to the Safety of the King, the Satisfaction of the People, and to the Honour and Dignity of this august Assembly.

1740.

The Lord Chancellor.

The Lord Chancellor.

My Lords, in all Contests of a political Nature, we ought to distinguish between those that proceed merely from a Difference in Opinion with regard to the public Good, and those which proceed from private Views and personal Animosities. In every Country where Men have Leave to express their Sentiments freely, there will be Contests about every public Measure that can be proposed or pursued, because when there is no Demonstration, neither of one Side nor the other, which is the Case in all political Disputes, there will be a Difference of Opinion. Even in the most arbitrary Countries there must be a Difference of Opinion; but that Difference cannot appear, or occasion any Contest, because those who happen to disapprove of the public Measures, dare not express, much less publish the Reasons for their Disapprobation. Therefore in every Country where a free Government is established, every Time must be a Time of political Altercation; but those Times only are to be called troublesome and factious, when the political Contests proceed from private Views and personal Animosities; and if by this Rule we examine the Times when such Addresses as this now under our Consideration have been agreed to by either House of Parliament, I believe we shall find Cause to conclude, that most of them were troublesome and factious Times, and that those Troubles and Factions did not so often arise from the extraordinary Weakness or Wickedness of the Ministers, as from the private Views and personal Animosities of those that opposed them.

Ministers, my Lords, are not infallible, no more than other Men; and they are liable to the same Passions and Affections with the rest of their Species. As every Man in the World would, I believe, desire to have the Affection and Esteem of his Countrymen, rather than their Hatred and Contempt, therefore, both in Charity, and from the Nature of Mankind, we ought to suppose, that Ministers do the best they can for the public Good; but as they are human, they must be guilty of Oversights, Mistakes, and Failings, which will be overlook'd by every good Subject; and when not very extraordinary, will be forgiven by every Man that is not their personal Enemy, nor possessed with an immoderate

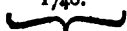
rate Ambition of succeeding them in their Places. For this Reason, no Man ought ever to think, and much less ought either House of Parliament, to think of coming to such an Extremity, as to address the King to remove any one of his Ministers, unless it appears, not only that he has a prevailing Influence in his Majesty's Councils, but also, that he has been guilty of some enormous Crime, or of such a Series of Misconduct, as evidently shews him to be a very weak Man. This, I say, ought be our Rule, with regard to addressing our Sovereign to dismiss any of his Ministers ; and in this we shall be confirmed, if we consider the many Difficulties that Ministers have to encounter, and the many personal Enmities they must necessarily incur.

Ann. 14 Geo. II.
1740.

In this, as well as in all other Countries, my Lords, the People expect to be protected in their legal Rights, and the free Enjoyment of their Properties : They expect to have Justice diligently, faithfully, and impartially administered at home, and to be preserved from Invasions, Inroads, and Piracies from abroad. This they expect from their Ministers and Governors, but they have very ill Will to contribute either the Trouble, or the Expence, that is necessary for procuring them this Protection ; and, for this Reason, they are, in all Countries, extremely apt to find fault with, and clamour against the Conduct of their Governors, which makes it but too easy to raise a general Complaint against the Conduct of the best sort of Governors ; and no Governor, or Minister, can ever want personal Enemies, who will be ready, upon all Occasions, to criticise his Conduct, to magnify and set in the most glaring Light the little Failings he may be guilty of, and to propagate Murmurings and Discontents among the People. For this Purpose, we must allow, I say, that no Minister can ever want personal Enemies, especially if we consider the several selfish Motives Men may have for becoming the professed or the secret Enemies of a Minister. All Men in superior Stations, are, we know, exposed to the Envy of those below them ; and every Man that is governed by this malevolent Passion, must, of course, become the professed, or the secret Enemy of a Minister. Others, again, are entirely governed by their Ambition, and are very apt to become Enemies to a Minister, because they suppose him to have been the Cause of their not meeting with Success in some unreasonable Suit they made to their Sovereign. But of all the Sources of Discontent and personal Enmity against a Minister, the greatest is that which, in this Debate, has been supposed to be his chief Support ; I mean, my Lords, the Disposal of Posts and Offices in our Government ; for there

Ann. 14 Geo. II.

1740.



are always Five or Six, sometimes a Dozen of Candidates, for almost every Post or Place any Minister can have in his Disposal : Of these, but one can have it ; and if the disappointed Candidates are not Men of great Moderation, they, of course, become personal Enemies to the Minister, and are diligent in propagating every popular Cry against him.

* Thus, your Lordships may see, that no Minister can ever be without a Multitude of personal Enemies, who, upon all Occasions, will be ready to propagate what the People are too apt to believe, That their Business has been ill conducted, or that they have been put to a much greater Expence than was necessary ; for, in this Case, Ministers or Magistrates may be very properly compared to Attorneys or Solicitors in Law Affairs. Whilst the Law-Suit goes on, and the Attorney brings in no Bill of Fees and Disbursements, the Client is perfectly satisfied with his Conduct ; but if the Cause meets with any unexpected Delay, or bad Success, tho' it be entirely owing to the Nature of the Case, the Client then begins to exclaim against the Conduct of his Attorney ; and even when the Cause meets with the best Success, and is brought to a happy Issue, yet the Client generally finds fault with his Attorney's Bill, and seldom pays it without murmuring. The Case is, in this Country, the same between the People and the King's Ministers. If any National Affair misgives, or meets with any cross Accident, it is always, tho' often without Reason, imputed to the ill Conduct of the Administration ; and when the Sums necessary for the public Service come to be provided for, and paid, the People are always apt to complain. These Complaints Ministers have at all Times been exposed to ; and our present Ministers are more exposed to such Complaints, than any of their Predecessors ; because the People of this Nation are now burdened with many Taxes, for the Payment of Debts our present Ministers never incurred, which, of course, makes the People the more unwilling to comply with those Payments that are absolutely necessary for the current Service.

My Lords, it is easy to say, that a great Part of our Debts might have been paid off, but I defy any Man to shew me how any greater Part of them might have been paid off, than has actually been, without laying new or heavier Taxes upon the People ; because the free Revenue, or that Part of the public Revenue which is not mortgaged to the Civil-List, or for the Payment of old Debts, is not sufficient for answering the annual Expence ; and therefore it has been necessary, almost every Year, to apply some Part,

Part, or the Whole of the Sinking Fund, for the current Service; which the Parliament had a Right to do, and which the Parliament has always, when necessary, thought more proper to be done, than to load the People with any new or additional Tax; and no public Expence has been incurred, but what was at the time thought necessary for the public Safety. If Armies have been kept up, or augmented: If Squadrons have been fitted out, or Foreign Troops taken, or kept in Pay; it was, in my Opinion, necessary, according to the Circumstances the Nation was then in, and I have always had the good Luck to see my Opinion confirmed by the Majority of both Houses of Parliament. If our Armies had not been kept up and augmented, or if Squadrons had not been fitted out, as often as Occasion required, I am convinced we should have been invaded, or some of our Allies swallowed up, and the Balance of Power quite overturned, long before this Time; but all such Attempts have been prevented by the Expence we have occasionally put ourselves to; and the good Effect of that Expence is now, by a very preposterous Way of arguing, made a Pretence for saying the Expence was unnecessary, because we were in no Danger; tho' the Danger was fully made appear to Parliament at the Time the Expence was incurred, and will still appear to every Man who considers the Circumstances of the Affairs of *Europe* at the respective Times we put ourselves to any extraordinary Charge.

As the Danger this Nation was in of an immediate Attack, in Pursuance of the Treaty of *Vienna* between the *Emperor* and *Spain*, has been fully spoke to by other Lords, in this Debate, and, I think, made evident, if any Reliance is to be had upon what his late Majesty so solemnly declared to his Parliament, I shall wave giving your Lordships any farther Trouble upon that Head. But will any Lord say, the *Dutch* were in no Danger? Will any Lord say, the *French* were in no Danger of an immediate Attack from the Consequences of that Treaty? My Lords, we know there was a Contest then subsisting, and ready to break out into a Flame, between the *Emperor* and the *Dutch*, in relation to the *Ostend East-India Company*: We likewise know, that by an express Article in that Treaty, the King of *Spain* promised, that if the Ships of the Subjects of his Imperial Majesty should be attack'd, on either Side of the Line, he would make it a common Cause with his Imperial Majesty to revenge and redress the Injuries and Damages sustained. And also we know, that the *Dutch* were resolved to attack and seize, as they had a Right to do, any of the *Ostend Ships* they found trading in the

East-

Ann. 14 Geo. II.
1740.

Ann. 14 Geo. II. *East-Indies*, which if they had done, it is not to be questioned, but that War would have been immediately declared against them by the Emperor, and in Pursuance of this Article, the Emperor would have been assisted by *Spain*.
 1740.

Could we, my Lords, sit still and see the *Dutch* over-run by the Emperor and *Spain*? If we had done so, it would have drove the *Dutch* into the Arms of *France*; and if we had no Way intermeddled, the Consequence of this War might have been fatal to the Balance of Power in *Europe*.

From hence, my Lords, I think it is evident, that the *Dutch* were in Danger of an immediate Attack from the Consequences of this Treaty. But suppose they had been in no Danger, suppose *France* only had been in Danger of an immediate Attack, even that Attack might have necessarily involv'd this Nation in a War, and, probably, would have done so, in order to preserve the Balance of Power, which might have been overturned by the too great Success of either Party engaged in that War, and especially if the Success had happened to be upon the Side of *France*. If this had been the Case, *France* would, probably, have attacked *Spain* in the *West-Indies*; and those amongst us, who are now so positive that *France* ought not to interpose, in order to prevent our making Conquests upon *Spain* in the *West-Indies*, would then, I believe, have been very apt to find fault with our Ministers, if they had quietly allowed the *French* to take Possession of any Part of the *Spanish* Settlements in *America*.

It is therefore certain, that we must have been involved in any War that could break out in Consequence of this Treaty at *Vienna*; and, I think, it is as certain, that either this Nation, *France*, or *Holland*, would have been attacked in pursuance of this Treaty, if it had not been for the Treaty of *Hanover*, and the Measures we afterwards took, for preventing the Return of the *Spanish* Galleons. Consequently, no Fault can be found with any Expence we put ourselves to in pursuance of that Treaty, because it preserved the Tranquillity of *Europe*, and thereby prevented our being obliged to put ourselves to a much greater Expence. By the Treaty of *Hanover*, the Emperor found himself under a Necessity of giving up the *Ostend* Company, and the Court of *Spain* were obliged to give up all their Views of Resentment against this Nation, as well as against the Court of *France*; and when this was done, it was the Interest of this Nation to re-establish a good Understanding with *Spain* as soon as possible; and, for that Purpose, to refrain from those Acts of Hostility which we might have committed, and had a Right to commit, upon their beginning Hostilities against us. For this Reason, and because

we knew it was not in their Power to do us any considerable Injury, I must still think, it was prudent in us to despise their Resentment, by not returning the Hostilities they committed ; for, by this Means, we restored Peace between the two Nations much sooner than we could otherwise have done, and obtained all we could desire by the Treaty of *Seville*.

‘ I am really surprized, my Lords, to hear so much Fault found with the Treaty of *Seville* : It has once already had the Approbation of the Parliament, and it deserved that Approbation ; for we had at that Time nothing to ask from *Spain* but a Renewal and Confirmation of former Treaties, and Reparation for the Merchant Ships of this Nation they had unjustly seized and confiscated ; and both these we obtained Stipulations for in as explicit Terms as could be made use of ; so that if the *Spaniards* have continued their Depredations, and if our Merchants have met with no Reparation, it is not owing to that Treaty, but to a Breach of Faith in the *Spanish* Court, which could not be foreseen nor guarded against by any Treaty, or by any Method I can think of, but that of never being at Peace or in Friendship with such a faithless Nation ; and this, I am sure, no Man would advise, that understands and has a Regard for the Trade of this Kingdom.

‘ As to the Introduction of 6000 *Spanish* Troops, instead of Neutral, into the strong Places of *Tuscany*, *Parma*, and *Placentia*, a noble Duke has already rightly observed, that the difference was of no real Signification to the *Emperor*, nor could it give the least Encouragement for *Spain* to attack him in *Italy*. It was not the Introduction of those Troops that occasioned the War in 1733 : It was the Court of *Vienna*’s having given Offence to the Court of *France*, by interfering so much as they did in the Election of a King of *Poland*, that gave Occasion to that War, and encouraged the *Spaniards* to attack the *Emperor* in *Italy* ; for as the *Emperor* had himself given Rise to that War, the *Spaniards* knew, that the maritime Powers did not think themselves obliged to assist him, and from thence they found they might send what Troops they pleased to *Italy*. In this War, my Lords, it is very certain, the *Dutch* did not think themselves oblig’d to have any Concern, tho’ they had guaranteed the *Pragmatic Saction* as well as we, and if we had thought otherwise, it would have been very imprudent in us to engage in that War without the *Dutch*. But tho’ it was neither prudent nor necessary for us to engage immediately in that War, yet both the *Dutch* and we foresaw that it might become necessary, in order to pre-
serve

Ann. 14 Geo. II. serve the Balance of Power in *Europe*; and therefore it
 1740.

1740.

was necessary for both of us to provide for the worst, by making such Preparations as might enable us to engage with Vigour, as soon as either of the Parties began to push their Success farther than was consistent with that Balance, which justifies the Expence we put ourselves to upon that Occasion; and accordingly the Preparations we made at that Time had their desired Effect, by making *France* and its Allies confine their Views within those Bounds, and put a Stop to the Progress of their Arms in the Midst of Victory, and when it was not in the Power of the *Emperor* to prevent their pushing their Conquests as far as they had a Mind.

And with regard to our Disputes with *Spain*, it is very well known, my Lords, that they could not at that Time afford us any Pretence for engaging in the War. The *Spaniards* had given us no new Cause of Complaint: On the contrary, the King of *Spain* had but the Year before sent express Orders to his Governors in *America* not to molest any *English* Ship in those Seas, that did not appear to be concerned in any illicit Trade; and as to past Injuries, our Commissaries were then in *Spain*, and we had Reason to hope for a full Reparation as soon as the Account could be adjusted, which from the very Nature of the Case could not be done in a short Time, because it depended upon those Proofs and Vouchers, which were to be transmitted from *America* to *Europe*; and when any of those Proofs or Vouchers wanted an Explanation, it became necessary to send back to *America* for it, and to wait the Return before any Thing could be determined. This plainly shews the Reason why our Negotiations with *Spain* were so tedious, and why it took up such a long Time before we could be assured, whether that Court would, or would not do us Justice by fair Means.

Thus, I think, it appears, my Lords, from the whole Tenor of our late Conduct, that our Ministers have at no Time put the Nation to any Expence but what was necessary from the Circumstances the Affairs of *Europe* were then in; and that the only Fault they have been guilty of, has been, their preserving the Nation in a continual State of Peace and Tranquillity, without suffering any material Alteration to be made in the political System of Affairs in *Europe*; for as the *Emperor*, or at least the House of *Austria*, got *Tuscany*, *Parma*, and *Placentia* in lieu of *Naples* and *Sicily*, and as *France* had before the Command, and even the Possession of the Duchy of *Lorain* whenever they pleased, I must insist upon it, that the House of *Austria* was as powerful, and *France* no more powerful at the Time of the
 late

late *Emperor's* Death, as at any Time for twenty Years *Ann. 14 Geo. II.*
 pass. The *Emperor's* unexpected Death, and the Disputes 1740.
 that have arisen, and are like to arise among the Princes of
 the *Empire* upon that fatal Emergency, has, 'tis true,
 made a great Alteration in the Affairs of *Europe*; but this
 will not, I hope, be imputed to the Weakness or Wicked-
 ness of our Ministers, or to any improper Complaisance they
 have shewn for the Court of *France*.

' From the Conduct of our sovereign Affairs, therefore,
 no Man can have Reason to suspect our Ministers of having
 Designs inconsistent with the Interest or Welfare of their
 Country; and as no unnecessary or oppressive Laws have
 been pass'd, nor any one Instance of a Law's being wrested
 towards the Oppression of their Enemies, notwithstanding
 the many unprecedented Provocations they have met with,
 no Man can have the least Reason to suspect their having
 Designs against the Liberties of the People; nor can I,
 my Lords, believe, that such Suspicions as the noble Duke
 was pleas'd to mention, are entertained by any great Num-
 ber of Men in the Kingdom. As by my Office I am obli-
 ged to converse with Numbers of Men who have no De-
 pendence upon the Court, if there were such general Sus-
 picions, I should think, I must have heard of them; and
 yet I can freely declare, I never heard any one signify his
 having such Suspicions, either against the Minister whose
 Conduct is now under our Consideration, or against any one
 other of his Majesty's Servants. But suppose there were
 such Suspicions: Suppose they were as general as has been
 represented; I have shewn very good Reasons why they
 should not be of such Weight as to prevail with us to fix an
 indelible Mark of Infamy upon a Minister's Character, by
 addressing his Majesty to remove him from his Councils and
 Presence for ever. I have shewn how apt the People are
 to find Fault with the Conduct of Ministers, and how ready
 to believe every Story published against them: I have shewn,
 what a Number of personal Enemies every Minister must
 necessarily have, and how industrious they will be to pro-
 pagate false Rumours, and inflame the Jealousy of the
 People. By the Industry of a Minister's personal Enemies,
 especially in this Country, where every Man may not only
 say, but print and publish almost whatever he pleases, and
 by the willing Credulity of the People in such Cases, Sus-
 picions may be raised and propagated so as to become ge-
 neral, without the least Foundation; and therefore, those
 general Rumours or Suspicions can never be a proper or
 just Foundation for any Resolution in Parliament, and much
 less for a Resolution that makes a Man appear upon Record
 as a weak or wicked Minister.

Ann. 14 Geo. II.

1740.

‘ Whatever the Suspicions of the People may be, my Lords, the Parliament should have a very solid Foundation before they express their Suspicions by such a standing Resolution ; and therefore, I hope your Lordships will give me Leave to shew, that there is not the least Foundation for any of the Suspicions that have been mentioned. To imagine or suppose, that any one Minister solely engrosses the Ear of his Sovereign, and usurps the sole Disposal of all the Favours of the Crown, is, I am sure, no Compliment to the King upon the Throne, and it is a Supposition that can be made by no Man, who has the Honour of knowing any Thing of his present Majesty’s Character. His Ears, my Lords, it is well known, are open not only to all his Ministers, but to all his Subjects. He is as ready to hear their Complaints, as he is willing to redress their Grievances ; and never does bestow any Favour without examining, as far as his high Station will give him Leave, into the Character of the Person recommended. The Minister whose Conduct and Character is now under our Consideration, has certainly a great Share of his Majesty’s Confidence : but this does not proceed from any blind Attachment to him, but from the Experience his Majesty has had of his Fidelity and Wisdom ; and to those who have the Honour to be near his Majesty’s Person, or in his Councils, it is very well known, that this Minister’s Recommendation does not always succeed, nor does his Opinion always prevail in Council ; for a Candidate has often been preferred in Opposition to the Candidate recommended by him, and many Things have been resolved on in Council contrary to his Sentiments and Advice. Nay, this the noble Lords who support this Motion seem to acknowledge, when they say, that the present War was resolved on contrary to his Advice ; and therefore, I am surprized, they should charge him with being the sole Author of every Step of our Conduct for so many Years past.

For this Reason, the Honourable Gentleman aimed at by this Motion, can no Way be charged with having solely engrossed the Ear of his Sovereign, nor can his present Majesty’s known Character admit of such a Charge against any Man in the Kingdom ; and as to the Posts, Offices, and other Favours in the Disposal of the Crown, it is very well known, that he never attempts to recommend any Person directly to his Majesty, but such as are soliciting for something belonging particularly to his own Department. Indeed, as there is and ought, and always will be, under a wise King, a very good Correspondence between his Majesty’s Ministers, they often recommend to one another ; and when a Gentleman of the Army, Navy, or any other

Sort

Sort of Business, thinks he has a Title to the Favour of this Minister, he may, perhaps, apply to him for his Recommendation, not to the Crown, but to the Minister or great Officer whose Business and Duty it is to recommend to his Majesty the most fit and proper Person for the Office or Employment then to be disposed of. Thus, my Lords, we may see, that this Minister's Levee may be crowded with Suitors of all Sorts of Characters, without his usurping the Disposal of any of the Favours of the Crown, except such as particularly belong to his own Province.

I shall grant, my Lords, it is in the general a right Maxim for the King not to take Notice of, or have any Regard to a Gentleman's Behaviour in Parliament, with respect to the Distribution of those Favours, which the Crown has to bestow. But even this Maxim may admit of some Exceptions. We know there is in the Kingdom a Party of professed Jacobites; we know there is likewise a Party of professed Republicans. I do not say there are any of either of these Parties now in Parliament; but if they should get into Parliament: If they should there pursue Jacobite or Republican Schemes; and if any of the Officers of the Army, or any Civil Officer should, by his Behaviour in Parliament, countenance and support such Schemes, I believe it will not be said, that the King ought not to take Notice of such Behaviour in Parliament: I believe, it will not be said, that it would be any Encroachment upon our Constitution, should he turn such Officers out of his Service on Account of that Behaviour.

This, I say, my Lords, will, I believe, be allowed to be an Exception from the general Rule; but I am far from applying this to any Case that has lately happened; nor do I think, that his present Majesty ever dismissed any one from his Service, on Account of his Behaviour in Parliament; for his Majesty may have many Reasons for dismissing an Officer, either Civil or Military, which no Way relate to his Behaviour in Parliament; and if any Officer happens to have a Seat in Parliament, I hope it will not be said, that his Majesty must not, for that Reason, dismiss him on account of a Misbehaviour he may be guilty of in some other Respect. But whatever Reasons his Majesty may at any Time have to make use of that Prerogative, which gives him a Power to dismiss an Officer from his Service, I am convinced he will not, nor will he allow any Minister to advise him to make use of this Prerogative, for preventing a Member's declaring his Sentiments freely about any Measure of Government, provided he does it with that Decency which is due to the Crown, and without any fac-

Ann. 14. Geo. II.
1740.

Ann. 14 Geo. II. tious or seditious Manner of expressing himself upon the
 1740. Subject under Debate.

As to the Declaration said to have been made in the other House by the Minister whose Conduct is now proposed to be stigmatized by a Resolution of this, your Lordships know it is not regular in us to take Notice of any Thing said or done in the other House. Words are apt to be misunderstood, and are seldom faithfully repeated; therefore I cannot easily believe, that this Minister expressed himself exactly in the Terms represented. If he had, I am convinced they would have been taken Notice of in a proper Way, by some of the Members of the other House; and we should then, probably, have heard of them in a proper Manner. For this Reason, I say, my Lords, I cannot easily believe, that the Honourable Gentleman whose Character is now in Question, made such a Declaration as has been mentioned to us in this Debate, but am fully convinced, that what he said upon that Occasion has been misrepresented to the noble Duke, who has made use of it as an Argument for our agreeing to this Motion. However, suppose he had made use of these very Words which have been repeated to us, I should not think it consistent with the known Justice and Impartiality of this House, to pass such a severe Sentence upon him as is now proposed, without first hearing him in his own Defence, and allowing him an Opportunity to explain himself; and I am the rather of this Opinion, because I think the Words, even as they have been repeated to us, may admit of such an Explanation as will make them both harmless and innocent.

Lastly, my Lords, as the Suspicion of Corruption both at Elections and in Parliament, it is a Clamour that has generally prevailed against all Ministers, and always will prevail, as long as there is a good Correspondence between his Majesty and his Parliament. There will always be a Diversity of Opinions about every Thing almost that comes before Parliament, and those who really differ in Opinion from his Majesty's Ministers and the Majority of Parliament, will be ready to impute the Prevalence of the contrary Opinion to any Thing rather than true Reason and sound Argument. This is an Error which every Man's personal Vanity prompts him to indulge, and as no Cause for the Prevalence of the contrary Opinion is so obvious as Corruption, therefore it is generally assigned as the Cause of the Majority's agreeing with the Administration; and this Opinion is always most industriously propagated by those who oppose the Administration, not because they differ in Opinion from the King's Ministers, but because they have a personal Resentment against some of them, or are ambitious of

of getting into their Places, though very probably incapable of governing so well. There is, therefore, no Possibility of removing this general Clamour against Corruption, but by interrupting that good Correspondence which now so happily subsists between his Majesty and his Parliament; and this might very probably be the Effect of the present Motion's being agreed to, which leads me to consider the dangerous Consequence of our agreeing to the Address proposed.

Ann. 24 Geo. II.
1740.

' Suppose, my Lords, we should present to his Majesty such an Address as is now proposed : Suppose both Houses of Parliament should concur in that Address : It has not yet, I think, been said in this Debate, that his Majesty is by any Thing in our Constitution obliged to comply with it. His Compliance must therefore depend upon his being of Opinion, that the Address was well founded, and that therefore it would be right in him to comply with it; for if his Majesty should think the Address ill founded, and that it would be wrong in him to do such an Injury to a good Servant, as to remove him from his Councils and Presence for ever, could it be consistent with his Majesty's Honour or Justice to comply with the Address of his Parliament? We may from hence see, that our presenting such an Address as is now proposed, would probably end in a Breach, perhaps an irreparable Breach, between his Majesty and his Parliament; and the Consequence of this, especially in our present Situation, I tremble to think of. From his Majesty's known Justice and Honour we must conclude, that his Majesty would certainly refuse to comply, if he thought a Compliance inconsistent with either. This would, of course, raise an Animosity in both Houses of Parliament against the Administration, which would make them refuse to grant these Supplies, or concur with the Administration in those Measures that are necessary for the Support of our Government; and this would necessarily occasion a total Dissolution of our present happy Constitution. Therefore, my Lords, I must conclude, that no Lord who has a true Regard for the Success of the present War, for the Glory of the King, the Safety of the Kingdom, or the Preservation of our happy Constitution, will agree to this Motion, unless he sees more cogent Proofs of Mal-Administration, than, I think, have yet been offered in this Debate.'

Lord Bathurst.

' My Lords, I am surprized to hear it said, that most of *Lord Bathurst's* the Addresses of this Kind have proceeded from private Views

Ann. 14 Geo. II.

1740.



Views and personal Animosities; and it adds greatly to my Amazement, when I hear such a Doctrine advanced by a noble Lord, whose Candour I have a great Opinion of, and whose Knowledge in our Histories, and in our Journals in Parliament, is not in the least to be questioned. From the little Knowledge I have in this Way, I think it is evident, that no Parliamentary Attack upon a Minister ever proceeded from private Views or personal Animosities, but when the Attack was patronized by a Court-Faction, supported by a pack'd or a pensionary Parliament. In the Reign of *Richard the 1st*. the Archbishop of *Canterbury*, and the Earls of *Arundel* and *Warwick* were prosecuted, and most unjustly condemned in Parliament; but every one knows, it was by a Parliament most illegally pack'd by a Court-Faction for that very Purpose: And in the Reign of *Charles the 1st*. the Earl of *Clarendon* was prosecuted in Parliament, and most unjustly banished by Act of Parliament; but it is well known, that the Prosecution was spirited up against him by a Court-Faction, and the Parliament that banished him has, ever since its Dissolution, been branded with the scandalous Epithet of a Pensionary Parliament. In several other Reigns, we may find Injustice done by Parliaments under the Influence, and by the Contrivance of the Ministers of the Crown; but from the Beginning of our History to this very Day, I believe, we can find no one Example of a Minister's having had Injustice done him by Parliament, as long as he remained in the Favour, and under the Protection of the Crown. Even in King *Charles the 1st's* Time, if the Parliament took some extraordinary Steps, not altogether agreeable to our Constitution, it was occasioned by the Crimes and Misdemeanors of the Ministers, and by the extraordinary Methods they took for screening themselves against the Laws of their Country. Therefore, from Experience we have no Reason to be cautious of addressing for the Removal of a Minister, but have great Reason to guard against a Minister's Power growing to that excessive Height, as to render it impossible to remove or punish him by the ordinary Methods prescribed by our Constitution; and this will be the Case, if ever a Minister should be able, by those corrupt and illegal Means, which the Favour of the Crown may now furnish him with, to command a Majority in both Houses of Parliament.

That Ministers are not infallible, that they are liable to the same Passions and Affections with other Men is what I shall most readily admit. But, my Lords, there is a very great Difference between a Minister's being fallible, and his being never in the Right: There is a very great Difference between a Minister's being subject to the little Emotions in-

cident

evident to human Nature, and his testifying, thro' the whole Tenor of his Conduct, a settled Design to render his Power uncontrollable by the Laws and Constitution of his Country. That this is the Case, with regard to the Minister whose Conduct is now under our Consideration, is, I am sure, suspected by a great Part of the Nation, and must, I think, appear evident to every one that seriously and impartially considers the History of his Administration. In all the extraordinary Events that have happened since his Accession to Power, he has taken that Part which was most inconsistent with the true Interest of his Country: He has opposed or disconcerted every Scheme that has been offered for the real Good of his Country; and all the Projects that he has either offered or patronized, have been such as tended to increase the Power of the Crown, by adding to its unaccounted for Revenue, or multiplying the Posts in its arbitrary Disposal, and thereby giving its Ministers the Means of acquiring a corrupt Influence, both in Parliament and at Elections.

Ann. 14 Geo. II.
1740.

I am far from saying, that this proceeds from his Weakness. No, my Lords, it proceeds, I believe, from a well-concerted, but wicked Scheme, for putting it in the Power of Ministers to make themselves Masters of our Constitution, by having always a Majority in Parliament attached to their particular Interest, and ready to obey their Commands. It is this that has made him in all foreign Affairs take that Part, which was inconsistent with the true Interest of his Country: It is this that has made him oppose every feasible Scheme for paying off our Debts, abolishing our Taxes, or reducing the Number of our Officers and Placemen; and it is this that has made him project and patronize so many Schemes for increasing the Power of the Crown by adding to its Revenue, and by multiplying Revenue-Officers, and Excise and Penal Laws. My Lords, his Design to overturn the Liberties of his Country, is, I think, evident from the foreign Measures he has pursued. Let us examine our Histories, and we shall find it to have been an established Maxim with every Minister, who designed the Overthrow of our Constitution, That a firm Friendship and intimate Correspondence was to be preserved with the Court of *France*; and the Maxim is, indeed, most reasonable and necessary for succeeding in such a Design; for it would be impossible to succeed, if the Court of *France* should espouse and assist the Party that would of course be formed in this Kingdom against such an Administration. For the Proof of what I say, I need go no farther back than the Reigns of *Charles* and *James* the 1st. In both these Reigns the Interest of this Nation, and the Preservation of the Ballance of Power in *Europe*, were sacrificed to the cultivating of a precarious, a ruinous Friendship with *France*; and this we know

Ann. 14 Geo. II. know proceeded from the Ministers in both those Reigns
 1740. having a Design against the Liberties of their Country

The Designs they had, my Lords, are now well known : The Designs of our present Minister are not as yet publicly known ; they cannot be proved, whilst he continues in Power ; but as his Conduct from the very Beginning of his Administration has, with regard to *France*, been the same, we ought to suppose that his Designs are of the same Nature ; and we ought to be the more jealous of them, because the Crown has now a great deal more Money, and a much greater Number of Posts and Offices to bestow ; and I am afraid the Virtue of the People is not so impregnable as it was at that Time ; for Corruption, by long Impunity, and by the Multitude of the Guilty, is now, I fear, so far from being scandalous, that it is become fashionable.

Considering what has been already said by the two noble Lords, that have spoke upon the same Side with me, I need not enter into a Detail of our foreign Measures, in order to shew, how much they have all been calculated for the Interest of *France*, and how often, or how long the Interest of this Nation, and the Safety of *Europe*, have been sacrificed to the Views of the *French* Court. This has been already so fully and so clearly explained, that those who are not already convinced, will not, I am sure, be convinced by any Thing I can add upon that Subject. But as our guarantying the *Pragmatic Sanction* in 1731, may seem to be a sort of Deviation in our Minister, I shall beg leave to make some Observations upon that Treaty. I have no occasion, my Lords, to explain the unlucky Circumstances our Minister had reduced us to by that ridiculous Article in the *Seville* Treaty, relating to the Introduction of *Spanish* Troops into *Italy*. This Introduction we had obliged ourselves to effectuate without Loss of Time ; and this Obligation we could not perform but by one of these two Methods : either by joining with *France* and *Spain* in a War against the *Emperor*, or by making such Concessions to the *Emperor*, as might induce him not to oppose that Introduction. Our Minister had not then made himself so much Master of our Parliaments or Elections, as that he could expect to get a Parliament of *Great-Britain*, to approve of his joining with *France* and *Spain* in a War against the *Emperor*, nor were our Armies become so mercenary as to support him against the Parliament ; therefore he was forced to chuse the other Method, of making such Concessions to the *Emperor*, as might induce him not to oppose this Introduction ; and nothing but a general, absolute, and unlimited Guaranty of the *Pragmatic Sanction* could satisfy his Imperial Majesty.

Thus, my Lords, we may see, that it was not Choice, but a Necessity he had brought upon himself, that forced our Minister into this Guaranty, and the Consequences have shewn, that he never had an Intention to perform it; so that it cannot be made use of as an Argument for shewing, that he has ever once departed from the Maxim of cultivating a close Correspondence with the Court of *France*; and if we were Masters of all that was at that Time transacted between us and *France*, especially with regard to the Affairs of *Poland*, it might perhaps appear, that the Guaranty he thus engaged in, was no Suspension or Infraction of that Correspondence. As to the Guaranty itself, I shall in the general approve of it, but I cannot approve of the Method by which we were drawn into it, nor can I approve of our having entered into it without some previous Concessions from the Court of *Vienna*, in Favour of some of the other Princes of the *Empire*. We then knew, that several Princes of the *Empire* had Claims and Complaints against the House of *Austria*: We knew that, upon the *Emperor's* Demise, without Heirs male of his Body, these Princes would endeavour to vindicate what they thought their Right; and therefore, before we entered into any Guaranty of the *Pragmatic Sanction*, we should have endeavoured to unite as much as possible all the Princes of the *Germanic* Body in the same Guaranty, by stipulating some Satisfaction for them with regard to the Rights they severally pretend to. Some few Concessions from the Court of *Vienna* would then have satisfied most of them, whereas, as the Case now stands, I am afraid, it will be impossible to unite those Princes in any one Scheme for preserving the Tranquillity of their Country; and if the War which is already begun, should become general throughout *Germany*, we shall see the Balance of Power in *Europe* overturned, or this Nation engaged in a War as dangerous and expensive as any we were ever engaged in.

From what I have said, my Lords, it will appear, that our Minister has, ever since his getting at the Head of the Administration, without the least voluntary Deviation, pursued that Maxim which was never laid down by any Administration in this Kingdom, but by such as had formed Designs against the Liberties of their Country; which, in my Opinion, is a strong Presumption of his having some Designs of the same Nature, tho' he takes a very different Method for carrying them into Execution. In former Times, the Crown had but very little Money, and very few lucrative Places, to dispose of, therefore, they could never carry Corruption such a Length as to affect our Elections; and if they, by that Means, secured at any Time a Majority in Parliament, this

Ann. 14 Geo. II.
1740.

Majority was daily decaying by the new Elections going mostly against the Court Party. This laid them under a Necessity of making their Attacks upon the Constitution, by stretching the Prerogatives of the Crown beyond their just Bounds, and this always gave the People an immediate and a general Alarm. But now Corruption may be carried such a Length as to affect most of the Elections in the Kingdom; and therefore it would be ridiculous in an ambitious or wicked Minister to carry on his Attacks upon our Constitution by any other Means. If none of the Prerogatives of the Crown are now stretched beyond their due Bounds: If no Severities are made use of against particular Persons: If a greater Indulgence be allowed both in writing and speaking than was allowed in former Times: If the private Property of no Man be invaded or encroached on contrary to Law: we are not from thence to judge that our Constitution is in no Danger; for if a Minister can always secure a Majority in Parliament, and thereby have what Laws he thinks proper, and whatever Sums of Money he pleases, without Account, it would be ridiculous in him to make use of any of these alarming Methods, or to give himself any Trouble about what may be said or wrote against him. He depends upon what he can give, and not upon what he can say, for an Approbation of every Thing he proposes; and therefore, he has no Occasion to trouble his Head about what is said or wrote against it. And as he may have by Act of Parliament what Share he pleases of the Property of every Man in the Kingdom, he has no Occasion to invade the Property of any particular Man.

This, my Lords, has often made me wonder at the Weakness of some People, who cry, How can your Liberties be in Danger, when the private Property of no Man is invaded? When the Liberty of the Press is indulged as much as it ever was in this or any other Country? and when the King, in every Thing, makes the Laws of the Land the Rule of his Government? My Lords, these Things may all be in Appearance, and yet we may have no Liberty left; for if the Ministers of the Crown, by Means of Corruption, have got the Direction of most of our Elections, and consequently rendered themselves secure of a Majority in every Parliament, we have no Liberty; we have the Shadow only of a free Government. The Ministers may be so wise as to abstain from particular Oppressions, or particular Acts of Violence, but the People in general will be oppressed, and the Government will be a general and continued Act of Violence. This was the Case of *Rome* under *Julius* and *Augustus Caesar*: This has in every Country been the Case of an Arbitrary Government in its Infancy; for if the Founder of an Arbitrary Govern-

ment

ment should commit particular Acts of Violence, or oppress particular Men, before the People are accustomed to the Bit, like an unbroken Colt, they would break their own Necks, or the Neck of their Rider. But after the People have been for some Time accustomed to the Bit, and by good Usage induced to submit to it, Oppression in every Shape will at last creep in upon them, as it did at *Rome* soon after the Death of *Augustus Cæsar*; and then the Oppressor may sometimes suffer by the desperate Resentment of those he has oppressed, or the ungrateful Ambition of those he has advanced, but the People will find no Relief, unless it be that melancholy one, a Change of Oppressors.

This Argument, my Lords, I thought myself obliged to take Notice of, because I have often heard it urged, against those who intimate a laudable Jealousy of our Constitution's being at present in Danger from the slow, but sure Attacks of Corruption. These Attacks are the most dangerous, because they are the most imperceptible. By a vulgar Eye they cannot be discerned, but, I hope, they will never long escape the piercing Eye of this Assembly: And, as soon as we do perceive them, as soon as we do but suspect that any Minister has formed such Designs, I hope we shall always take the best and most obvious Method for preventing them, which is by removing that Minister from his Majesty's Councils and Presence. That we have Reason to suspect the Minister whose Conduct is now under our Consideration, of having formed such Designs, has been, in this Debate, I think, made manifest from the Measures, both foreign and domestic, which he has, without Deviation, pursued ever since his Accession to Power; and in such a Case shall we say, shall any Lord in this House say, that we ought not to address the King to remove him, unless it appears that he has been guilty of some enormous Crime, or of such a Series of Misconduct, as evidently shews him to be a very weak Man? My Lords, the whole Tenor of his Conduct has been a Series of the most manifest Weakness, or it has been a Series of the most enormous Crimes. If he has no such Design, as I have said I suspect him of, his Conduct from the Beginning of his Administration to this very Day, has been a Series of the most monstrous Weakness: If he has such a Design, it has been a Series of the most heinous, the most dangerous Crimes.

By the Arguments that have been made use of in this Debate, it would seem as if some Lords thought, that a Minister ought never to be removed; and that after he has once got himself at the Head of the Administration, he has as good a Title to continue there, as a Man has to continue in the Possession of his Estate; for this must be the Case, if

Ann. 14 Geo. II.

1740.

a Minister is never to be removed unless he be condemned as a Criminal by a Court of Justice, or declared an Idiot by a Court of Chancery. My Lords, I happen to be of a very different Opinion: I think, no Minister ought to be allowed to continue long in his Place, and that therefore, if the King does not remove him, the Parliament ought, even though he has never been guilty either of Wickedness or Weakness. In all free Governments it is a Maxim: It is the essential Quality, the distinguishing Character of a free Government, That the Conduct of every Minister and Magistrate ought, and may be strictly and impartially enquired into, by the Assembly of the People. For this Reason, in all well-constituted Governments, those who have the supreme executive Power of the Society in their Hands, are never continued for any long Time in their Posts; because, whilst they have the Power and the Money of the Society at their Command, it is very difficult to make a strict and impartial Enquiry into their Conduct. By our Constitution the King is never to account for his Conduct, because, though a great Part of the executive Power be lodged in him, yet he is supposed to do all by his Ministers; and for this Reason his Ministers, tho' named by him, are always liable to a strict Account in Parliament; but this strict Account they can never easily be brought to, as long as they continue in the Favour of the Crown, and consequently at the Head of the Administration; therefore, according to the Maxim established in all free and well-constituted Governments, our Ministers ought never to be allowed to continue long at the Head of the Administration, which a Favourite will always be, as long as he is allowed to remain in the Councils or Presence of his Sovereign.

From hence, my Lords, we must see, that this Address would be agreeable to our Constitution, and that we ought to agree to it, even although our present Minister could neither be accused, nor so much as suspected of any weak Measures or wicked Designs; but as it has been shewn in this Debate, that he must be suspected, nay, that he must be guilty, either of the one or the other; this general Argument, which is founded upon the very Nature of a free Government, is no Way necessary for prevailing with us to agree to this Address. But in order to excuse our Minister, and to find out any Reason but the true one, for the general Suspensions and universal Odium that prevail against him, it seems the whole People of *England* are to be accused of Injustice, and of insinuating upon what, in the Nature of Things, is not to be expected. To have the Government administered, and all the Ends of it answered, without putting them to any Trouble or Expence. My Lords, I will venture to become

an Advocate for the People of *England*; I will venture to assert, that no general Suspicion was ever raised among them without a just Ground: That they never complained of any Trouble they were put to, if it was really necessary for their own Protection; and that they never murmured at any Expence, if it was necessary, and frugally applied, for answering the Ends of Society. This I will venture to assert; and I will appeal to the whole Tenor of our Histories for a Confirmation of what I say.

Ann. 14 Geo. II.

1740.

I shall grant, my Lords, that every Man in the Administration must necessarily make some personal Enemies; but not near so many as the noble Lord would insinuate; for when, of a Number of Candidates for any Post in his Gift, he prefers him who is apparently the best entitled, none of the rest will complain, and the Hopes of Success in their next Suit will keep them attached to his Interest. If the Disposal of Posts and Offices were a Disadvantage to a Minister, as the noble Lord has endeavoured to make us believe, we should not see Ministers so fond of encreasing the Number of those Posts and Officers that are at the absolute Disposal of the Crown, nor should we find them so unwilling to part with the Disposal of those Posts and Offices, which they are entitled to by the present Model of our Constitution. A Minister knows, that by the Disposal of such Posts and Offices he can make a great many personal Friends, that by the Expectation of the next Preferment he may keep a great many attached to his personal Interest; and that if any are so hardy, as to declare themselves his personal Enemies, it will be impossible for them to form any considerable Party against him, as long as his Measures are such as but seemingly tend to the public Good. Ministers, my Lords, I shall allow, may in many Things be compared to Attornies at Law, and in nothing more aptly than in this, that they generally sacrifice the Cause of their Client to their own Interest; and in Law, as well as State-Affairs, we shall find, that an Attorney never gets a general bad Character without some very just Foundation; which, in the Case now before us, ought to be particularly attended to, and will be a very strong Argument for the Address proposed.

The noble Lord was pleased to throw out a Defiance for any one to shew, how a greater Part of our public Debts might have been paid off than has actually been, without laying new or heavier Taxes upon the People; because, said he, our free Revenue is not sufficient for answering our annual Expence. This Challenge, my Lords, I will accept of, and will endeavour to shew, that our free Revenue has for near 20 Years been a great deal more than sufficient for answering

Ann. 14 Geo. II.

1740.

answering our annual Expence, if we had kept up no greater Armies than were necessary, paid no unnecessary Pensions, nor fitted out any useless Squadrons. For this Purpose, my Lords, I will build my Calculations upon those made in a Pamphlet, published towards the latter End of Queen *Ann's* Reign, and supposed to have been wrote by a very near Friend of the Minister, whose Conduct we are now considering. The Author of that Pamphlet reckons 350,000 *l.* a Year sufficient for the Support of all the Guards and Garrisons we ought to have here at home, and 120,000 *l.* a Year sufficient for the Ordinary of the Navy; and I will say, that 500,000 *l.* a Year is sufficient for the Civil List, if no useless nor dangerous Pensions were paid out of it; and if to these three Sums we add 520,000 *l.* a Year for maintaining 10,000 Seamen, and 300,000 *l.* a Year for defraying the Expence of the Office of Ordnance, and for supporting our Garrisons at *Gibraltar*, *Port-Mahon*, and in the *Plantations*, the whole necessary annual Expence of this Nation would amount to no more than 1,790,000 *l.* To which I shall add 210,000 *l.* yearly for building Churches, endowing Hospitals, settling Colonies, and other the like extraordinary Charges, which we have but lately fallen into, in order to make up an even Sum of *two Millions* yearly.

At this Rate, my Lords, the whole necessary annual Expence of this Nation, in Time of Peace, which would have been our Case for near 20 Years past, perhaps I may say, ever since the Death of Queen *Ann*, if we had not unnecessarily engaged ourselves in some foreign Disputes we had nothing to do with: I say, the whole necessary annual Expence of this Nation for near 20 Years past would, in this Case, have amounted to no more than *two Millions* Sterling.

And now, my Lords, let us compute the free Revenue, that is, the Revenue which is not mortgaged for the Payment of any old Debt. The *Land Tax* at 2 *s.* in the Pound, is generally computed at a *Million* a Year, and the *Malt Tax* at 700,000 *l.* a Year; but as there may be a Deficiency in each, I shall compute them both but at 1,600,000 *l.* a Year; and though the *Civil-List Revenue* is generally computed at a *Million* a Year, I shall reckon it but at 900,000 *l.* which makes in the Whole 2,500,000 *l.* free Revenue yearly. From whence we may see, that if for this last 20 Years we had kept up no greater Land-Armies than were necessary, nor paid any unnecessary Pensions, nor fitted out useless Squadrons, instead of encroaching upon the *Sinking Fund*, we might have added 500,000 *l.* to it yearly, for paying off our old Debts, without laying any new or heavier Taxes upon the People; and if to this

we

this we had added what might have been saved by abolishing all Sine-Cure Posts, and reducing all exorbitant Salaries, in the Management and Collection of the public Revenue, and had taken proper Methods for reducing the Interest of Money, I may venture to say, that by this Time most of those Taxes that lie heavy upon poor Labourers and Manufactures, would have been abolished, and the greatest Part of our public Debts, if not the Whole, absolutely discharged.

Ann. 14 Geo. II.
1740.

Figures, my Lords, are stubborn Things : They will not give Way to Eloquence, nor can the Conclusions drawn from them be evaded by the most cunning Sophistry. There is, therefore, no Answer can be made to what I have advanced, except what the noble Lord took Care to make use of by saying, that no public Expence has been incurred, but what was at that Time thought necessary for the public Safety. By whom, my Lords, were the several Articles of extraordinary Expence we have incurred, thought necessary ? Not, I am sure, by the Majority of the Nation, nor by any unprejudiced Man in the Kingdom. They were thought necessary by the Minister only, and such as were at that Time prejudiced in Favour of every Thing he proposed. This Sort of Prejudice has often a very strong Effect upon the Judgments of the most Discerning, and this Prejudice in Favour of a Minister, whilst he keeps within any Bounds, may very much contribute towards procuring him a Parliamentary Approbation of Measures that are in their Consequences very pernicious ; but as these Consequences are now become apparent to the whole World, tho' they could not be foreseen by those that were prejudiced in his Favour, they are now felt even by them, and this must make them now condemn what they were formerly induced by their Prejudice to approve of.

For this Reason, my Lords, if pernicious Measures, or unnecessary Expences have been approved of Parliament, this is no Reason against their being now condemned even by those who have formerly approved of them. In Affairs of a political Nature, the best, the most honest may err in their Judgments, especially when they judge in Favour of personal Friendship ; but when they discover their Error, and find that their native Country has thereby been brought into Distress, or, I may say, to the Brink of Ruin, they are bound both in Justice and Honour to make the best Atonement they can to their Country, by addressing to remove the Minister who has led them into that Error ; for to sacrifice our Country to any personal Friendship, must be allowed to be a Crime of the most heinous Nature. For the same Reason I must think, the noble Lord has not now any great Reason to boast of the

Ann. 14 Geo. II.
1740.

the good Luck he has had to see his Opinion confirmed by the Majority of both Houses of Parliament. He must know that his Opinion has been generally condemned by the Majority of the Nation ; and he must now find it condemned by the necessary Consequences of Things ; for I will appeal to the common Sense of Mankind, if ever this Nation was in greater Danger of being invaded, if ever our Allies were in greater Danger of being swallowed up, if ever the Balance of Power was in greater Danger of being overturned, than at this Instant ; and to the same I will appeal, after what has been said in this Debate, if all these Dangers have not naturally arisen from our having too much cultivated a Correspondence with *France*, for our having restored the Correspondence between *France* and *Spain*, from our having laid a Foundation for a Breach between *Spain* and the *Emperor*, and for our having left the latter to the Mercy of his Enemies at a Time when, I think, we were bound both in Honour and Interest to assist him. The noble Lord has therefore now no great Reason to boast of his Opinion's having been confirmed by both Houses of Parliament. And if the general Opinion of the Nation be right, if the Approbation of Parliament has been owing to any Sort of corrupt Influence, no Man can have Reason to be proud of his having been one of such a Majority ; but upon the contrary, such an uniform and suspicious Concurrence of Parliament, with every Thing the Minister was pleased to propose, becomes an additional, and a strong Reason for the Removal of that Minister.

I am really amazed, my Lords, to hear it so much as pretended, that the *Dutch* were in Danger of being attacked, in consequence of the Treaty between *Spain* and the *Emperor* in 1725. It is surprizing that we should at that Time have been more afraid of their being attack'd than they were themselves ; for it is very well known, that they were not Parties-Contractors in the Treaty of *Hanover*, tho' they were named as such : It is known, that they did not accede to it till near a Year after it was made, and that their Accession was then procured with great Difficulty ; and under several Restrictions ; therefore the Danger the *Dutch* were in of being attack'd, could be no reasonable Motive for our engaging in that Treaty ; and if the *French* were in any Danger of being attack'd by the *Emperor* and *Spain*, it was not surely the Interest of this Nation to prevent that Attack, because such a War would have been of great Service to the Trade of this Kingdom, and we should have had it in our Power to direct or put a Stop to the Progress of the Arms of either Side, whenever we thought proper.

To preserve the Tranquility of *Europe* is a very good and a very Christian-like Maxim, but we have of late Years pushed it so far, that it is really become ridiculous. The true Interest of this Nation is not so much to preserve the Tranquility of *Europe*, as to take Care of the Balance of Power in *Europe*, and for this Purpose to take Care, that in every War that happens, the Parties engaged shall be as equally match'd as possible, and that no one Power shall push its Success so far as to bring that Balance into Danger. If the *Emperor* and *Spain* had an Intention to attack *France*, in consequence of the Treaty of *Vienna*, we may be very well assured, they would not have attacked, or offended the *Dutch* at the same Time; and if *France* had been attack'd by the united Power of the *Emperor* and *Spain*, the Parties engaged would have been so equally match'd, that both would have taken Care not to push the War so far, or in that Way, as might throw the Power of this Nation into the other Side of the Scale; therefore, if we were to chuse, I will be bold to say, we could not chuse a War in *Europe* that would be more beneficial, or less dangerous to this Nation, than a War. between the *Emperor* and *Spain* of one Side, and *France* alone on the other Side. From whence I must suppose, either that those who advised the Treaty of *Hanover*, and the Steps taken in Pursuance of that Treaty, did not understand the Interest of their Country, or that they had Motives very distinct from the Interest of their Country. But after we had made that Treaty, and had, by the Measures we took in Pursuance thereof, brought on a Rupture between *Spain* and us, it was very surprizing, we did not take that Opportunity to compel the *Spaniards* to make Satisfaction for all the Injuries they had done us, and to give up, in the most express Terms, the unjust Pretences they had set up against us in *America*, particularly that of searching and seizing our Ships, on Pretence of their having contraband Goods on board.

To pretend, my Lords, that we had then nothing to ask from *Spain* but a Renewal and Confirmation of former Treaties, and Reparation for our Merchants, is very surprizing. Had not the *Spaniards*, under Colour of those very Treaties, set up a Right to search our Ships in the *American* Seas, and to seize them, if they found such Goods on board as they were pleased to call contraband? Had not they, under Colour of those very Treaties, set up a Right to exclude us from cutting Logwood in the Bay of *Honduras*? Had not they, under Colour of those very Treaties, set up a Right to build Forts which command, and consequently render useless a great Part of *Gibraltar*? And could we suppose, that any of these

Ann. 14 Geo. II.
1740.

pretended Rights would be given up by a general Renewal and Confirmation of our former Treaties ? We ought, therefore, to have insisted upon their giving up every one of these pretended Rights in the most explicit Terms. If we had done this, and had made them severely smart for the Injuries and Insults they had put upon us, we might have trusted to Stipulations for Reparation and Satisfaction ; but when we shewed ourselves so fond of Peace, as to sacrifice our undoubted Rights, rather than to continue or push the War, could we expect they would shew the least Regard to the Stipulations they made with us ? It is, therefore, astonishing to hear it now said, that we obtained, by the Treaty of *Seville*, all we had to ask at that Time from *Spain*: And that Treaty's having been approved of by Parliament, is of no Weight in this Debate ; for it is not the first Time we have seen a Minister condemned in a following Session for a Treaty that has had the Approbation of a preceding Session of Parliament ?

But suppose, my Lords, we were induced to accept of the Treaty of *Seville*, by a Belief that the *Spaniards* would perform the Stipulations they had made with us, and that they would desist from the pretended Rights they had set up against us, what was the Reason of our sitting still after they refused, or most unreasonably delay'd to perform any Part of the Stipulations they had made with us, and after we found, that they insisted upon and prosecuted their pretended Rights with as much Vigour as ever ? This was the Case before the War broke out between them and the *Emperor* in 1733, which afforded us an excellent Opportunity for compelling them to perform all the Stipulations they had made with us, and to give up in the most express Terms every pretended Right they had set up against us. Whether we were obliged to assist the *Emperor* in that War or no, surely we ought to have taken that Opportunity for compelling *Spain* to do us Justice. At that Time, the Court of *Spain* would have done us Justice, if we had but insisted peremptorily upon it. But from the Papers upon our Table it appears, that we never once made a peremptory Demand. This Conduct it is impossible to account for any other Way than by admitting, that our Minister was afraid of doing any Thing, or even of asking any Thing that might give Umbrage to the Court of *France*. Instead of assisting our Allies, and vindicating the Rights of our Country, we continued our perplexed Negotiations, without taking any one Step that could be effectual, either for preserving the Balance of Power in *Europe*, or for putting an End to the Encroachments that *Spain* had for so many Years been making upon us.

I say,

I say, my Lords, without taking any one Step that could be effectual; for the Preparations we made, and the Expence we put ourselves to, had a quite contrary Effect. The Court of *France*, or any other Court in *Europe* that desires to see the Ruin of this Nation, will always be glad to see us put ourselves to unnecessary Expences, which every warlike Preparation must be, when it is made before we have resolved to make use of it. Armies may be so soon raised, and Squadrons may be so speedily fitted out in this Kingdom, that, when any such are raised or fitted out, before we have immediate Occasion for them, I shall always believe, and our natural Enemies will suppose, it is done not to attack them, but to amuse our own People. Let us recollect what was done in K. *Charles* the II^d's Reign. The Preparations he made, before and during the Treaty of *Nimeguen*, put the Nation to a vast Expence; but had they any Effect upon the Court of *France*, against whom they were pretended to be made? No, my Lords, that Court were well assured that these Preparations were made, not with a Design to attack them, but to amuse our own People; and therefore, they were pleased with seeing us put ourselves to such a ridiculous Expence. I hope this was not the Case, with regard to the Preparations we made during the late War between, them and the *Emperor*. But whatever may be in this, I am very certain it is not our Preparations, but our Resolutions that can have any Effect upon the Measures of any Court in *Europe*; because, without the latter, the former can signify nothing, and when Resolutions are taken, Preparations may soon be made. It was not upon that Occasion our Preparations, nor, I believe, our Resolutions, that set Bounds to the Views of *France*: it was their finding it impossible for them to succeed in their Design upon *Poland*, and the *Muscovite* Troops having obtained Leave to march thro' the *Empire*; for they then saw themselves in Danger of being overpowered, by the Armies brought from *Muscovy* and *Poland* to the Assistance of the *Emperor*.

This, my Lords, must shew what an excellent Opportunity we then had for adjusting, to our own Satisfaction, all our Differences with *Spain*; and for obtaining from them what Securities or Pledges we pleased to insist on, for their future good Behaviour in the *West-Indies*. I am surprized to hear it said, that the *Spaniards* had given us no new Cause of Complaint. Had not they searched, seized, and confiscated many of our Ships, after the Treaty of *Seville*, and before their attacking the *Emperor*? Had not our Merchants, the very next Year after the Treaty of *Seville*, brought new Complaints upon that Subject into Parliament? And as to the

Ann. 14 Geo. II.

1740.

Orders sent by the King of *Spain* in 1732, to his Governors in *America*, on which the noble Lord was pleased to lay so great a Stress, those very Orders ought to have made us resolve upon a Declaration of War. In these Orders his Catholic Majesty commands his Governors not to allow any of his Subjects to molest or abuse *English* Ships sailing in the *American* Seas, so long as they keep in their proper Distances, and are not concerned in any illicit Trade. Was not this, on the Part of *Spain*, an express Declaration against the Freedom of our Navigation in the *American* Seas? Was it not an express Declaration, that, notwithstanding the Treaty of *Seville*, his Catholic Majesty would insist upon a Right to search our Ships in the *American* Seas? Could we after this imagine, that he would ever, by fair Means, give up that Right? Suppose we had at that Time had some Reason to believe, that our Commissaries might at last succeed in their Negotiation, yet, as the Freedom of our Navigation was of much greater Consequence, than the paltry Sum we had to expect from that Negotiation, upon such a Declaration we ought to have recalled our Commissaries from the Court, and sent our Squadrons to the Coasts of *Spain*, with proper Orders for compelling what our Negotiators had been so long begging for in vain.

This, my Lords, was the Case between *Spain* and us in 1732; and in 1733, when the War broke out between them and the *Emperor*, it was no Way mended; for the *Spaniards* continued to insist upon their Right to confine our Navigation in the *West-Indies*, as appear'd by their *Cedula* for restoring the Ship *Woolball*, which Ship was by that *Cedula* to be restored, unless taken in any suspected Course of Navigation. This happened in the Beginning of the Year 1733: In the Month of *March* of the same Year, they committed a most heinous Insult upon us, by attacking Capt. *Durall* in his Majesty's Ship the *Scarborough*, and taking four of the *English* Ships, then under his Convoy, gathering Salt at the Island of *Tortugas*, tho' they had, by an express Treaty in 1715, confirmed by the Treaty of *Seville*, acknowledged our Right to gather Salt in that Island. During that whole Summer they not only continued their Depredations upon us in the *American* Seas, but insulted us in the *Mediterranean*, by searching our Ships, and carrying away Prisoners such *Moors* as they found on board, on Pretence of their being Enemies to *Spain*; and before the End of that Year we perceived, or, I am sure, ought to have perceived, that the Negotiations of our Commissaries would certainly end in nothing. Therefore I must suppose the noble Lord did not attend to the Transactions of those Times, or that he has forgot

got them, otherwise he would not have said, that when the War broke out between *Spain* and the *Emperor*, the *Spaniards* had given us no new Cause of Complaint, or that we had then Reason to hope for a full Reparation, as to all past Injuries.

Ann. 14 Geo. II.

1740.

My Lords, we had then no Reason to hope for obtaining, by fair Means, any Reparation for the past, or any Security for the Time to come ; and therefore it was a most amazing Piece of Conduct in us, not to embrace that Opportunity for doing ourselves Justice by Force of Arms. The Weakness of this Conduct could not at that Time be perceived, especially by those who were willing to have a good Opinion of every Thing done by the Minister, because they could not know the Circumstances of the Negotiations between *Spain* and us, and therefore easily believed what was often confidently asserted, that we were in a fair Way of obtaining all we could desire by Negotiation ; but now it must appear to every Man that examines, even those Papers our Ministers have been pleased to lay before Parliament, (for no Papers have been called for, but what they agreed to) that from the very Beginning, and especially towards the End of the Year 1733, we had no Reason to hope for obtaining any Thing by Negotiation ; and therefore every impartial Man must now conclude, that it was extremely weak, to call it no worse, in our Minister, to continue his Negotiations at a Time when he could not but see, that they were vain, and at a Time when he had so fair an Opportunity for vindicating the Rights and establishing, I shall not say restoring, the Honour of his Country.

A State of Peace and Tranquility is, I shall most readily grant, a most desirable Thing for any Nation ; but can a Nation be said to be in a State of Peace and Tranquility, that is every Year at the Expence of a State of War, and daily plundered and insulted by its Neighbours ? Has not this been the Case of this Nation for twenty Years past ? We have every Year been keeping up great Armies, and sitting out expensive Squadrons without being allowed to make use of those Armies or Squadrons, either for protecting ourselves, or for gaining such Advantages, as we had Reason to expect from an open War, and which might have atoned for the Expence we were at, and the Damage we met with. But suppose the public Tranquility had been preserved, can our Minister be said to have done it, when no Disturbance has, ever since his Administration, happened in *Europe*, but what has been occasioned by his Measures ? Or can the political System of Affairs in *Europe* be said to be no Way changed, when by his Measures a close Correspondence

Ann. 14 Geo. II. 1740. spondence has been restor'd between the Courts of *France* and *Spain*, and a Diffidence, if not Discord, established between the House of *Austria* and its most natural Allies. My Lords, suppose the Power of the House of *Austria* were no Way diminished, nor that of the House of *Bourbon* increased, this very Diffidence brings the Balance of Power into imminent Danger; but it must be allowed, that the Power of the House of *Austria* suffered a considerable Diminution, and that of the House of *Bourbon* got a considerable Addition by the Issue of the last War; for the Revenues of *Tuscany*, *Parma*, and *Placentia*, are far from being equal to those of the two *Sicilies*; and the Duchy of *Lorain* is a very great Addition to the Power of *France*, not only by its Situation, but by the Addition it will make to the Revenues of that formidable Monarchy.

The *French*, it is true, had Garrisons in the Towns of *Lorain*, during the War in Queen *Anne's* Time, because the Duke was not then in a Condition to prevent it; but they had not even then the Revenues of the Duchy, and were obliged to draw away their Garrisons at the Peace. Whereas now they are to have the Revenues as well as the fortified Towns of that Duchy, and will certainly improve both to the utmost; so that it will serve as a Barrier for *France* against the *Empire*, and as an Inlet into *Germany*, whenever they have a Mind to attack it; the direct contrary of which would have happened, if the Duke of *Lorain* had come to be *Emperor*; for he would have fortified and kept strong Garrisons in all the Towns of that Duchy, which would have prevented the *French* from being able to surprize it; and this would have made it serve as a Barrier for the *Empire* against *France*, and as an Inlet to *France*, in case of a War between the *French* and the *Germans*.

From these Circumstances, my Lords, without considering the Addition made to the House of *Bourbon* by giving the two *Sicilies* to *Don Carlos*, it is plain, that the House of *Austria* was not so powerful at the Time of the late *Emperor's* Death, as at any Time for twenty Years past, and the House of *Bourbon* was much more powerful than it had been at any Time within that Period, and much better united than it would have been, if proper Measures had been taken by us for preventing that Union. As to the *Emperor's* Death, its happening before any proper Measures had been taken for settling the Affairs of the *Empire*, was certainly a very great Misfortune to *Germany*, but I doubt much if it was a Misfortune to this Nation; for the Court of *Vienna* was so much irritated against us, that I question if we could have got any Assistance from thence, even tho' *France* had joined

joined with *Spain* against us, and this the *French* would probably have done before now, if the *Emperor's* Death had not prevented it; but their Attention is now so much fixt upon the Advantages they may reap from that Accident, that they must for some Time neglect taking Notice of what may happen between us and *Spain*. This, my Lords, has prevented our being obliged to stand single and alone against the united Power of *France* and *Spain*, and may procure us a formidable Alliance, in case *France* should declare against us; but if we do not manage our future Negotiations better than we have done our past, this Accident of the *Emperor's* Death, may produce a War in *Europe*, more dangerous and expensive, than any this Nation was ever engaged in; but whatever may be the future Fate either of this Nation, or of *Europe*, it is evident from what has been said in this Debate, that the present unlucky Situation of the Affairs of *Europe*, is chiefly owing to our Minister's having so long cultivated a close Friendship with the Court of *France*; and this, as I have said, must and ought to raise a Suspicion, that his Designs are not very favourable for the Liberties of his Country.

Ann. 14 Geo. II.
1740.

As to the other Grounds of Suspicion, especially those of a domestic Nature, the Answers made to most of them consist chiefly in a Denial of Facts, and as these Facts are mostly of a public Nature, I shall leave them to stand or fall by their own Evidence; for I do not know what to say to those who deny, that any unnecessary or oppressive Laws have been passed or attempted: That there are no Suspicions of any corrupt Practices in Parliament or at Elections: That the Minister has not endeavoured to engross the Ear of his Sovereign; or that he has not assumed the Disposal of any Post or Office but such as belong to his own Department. I shall only observe, that those who are known to be Friends to the Minister, cannot expect Information as to the Suspicions entertained by the People, from any of those Persons that are applying to them for Favours. They must take other Methods for Information; and if they take the proper Methods, they will find these Suspicions so general, that if they have a true Regard for his Majesty, they must conclude, it is neither proper nor safe for him to have such a Minister about him.

Upon this Subject I shall therefore give your Lordships no farther Trouble; but there was a Rule laid down by the noble Lord that spoke last, or rather an Exception to a general Rule, which I must beg Leave to take Notice of. The noble Lord admitted, that the King ought not to take Notice of any Gentleman's Behaviour in Parliament; but he made

Ann. 14 Geo. II.
1740.

made an Exception which I cannot admit of. He said, the King might so far take Notice of a Gentleman's Behaviour in Parliament, as to turn him out of his Service, if he there patronized any Jacobitish or Republican Schemes. My Lords, this is an Exception that totally destroys the Rule ; for every Opposition to a Minister's Measures will by him be called a Jacobitish or Republican Scheme for distressing the Administration. His Majesty is to trust to his Parliament ; for while he does so, he will have no Reason to be afraid of such Schemes. The House itself would send any Member to the *Tower*, that should dare to introduce any such Scheme ; and therefore, if the House takes Notice of a Gentleman's Behaviour, his Majesty ought not to believe, that it was either Jacobitish or Republican. Even the noble Lord who made this Exception admits, that no such Case has lately happened, but says, that his present Majesty never dismissed any one from his Service on Account of his Behaviour, in Parliament. I shall not say he has ; but several Members both of this and the other House, have been dismissed for no other Reason that could be guessed at ; and as their Dismissal unluckily happened, just after their having opposed, in Parliament, some favourite Scheme of the very Minister whose Conduct is now under our Consideration, the World will believe, that there was no other Reason for dismissing them, and that this very Minister was the Person that gave such a pernicious Advice to his Sovereign.

This, my Lords, was a Belief more generally established in this Nation than any other Belief we have amongst us, long before he made the Declaration that has been mentioned in this Debate ; but by that Declaration he has made this Belief certain, and has, in my Opinion, made it inconsistent with the Dignity of any Lord in this House to give a Negative to this Question ; for after that Declaration, considering what has since happened, the World will suppose, that every Negative to this Question proceeds from the Fear of losing, or the Hopes of getting some Post or Pension from the Crown. It will therefore be inconsistent with our Dignity to put a Negative upon this Motion ; and I am surprized to hear the noble and learned Lord call it a severe Sentence, or say that it is not consistent with our known Justice and Impartiality, to agree to this Address, without first hearing the Minister in his own Defence. My Lords, it is nothing like a Sentence : In agreeing to such an Address we do not act in our judicative Capacity : We act only as the great and supreme Council of the Nation, and as such we are obliged to give the best Advice we can to our Sovereign : For this Reason, such Addresses have generally been agreed

to without hearing the Minister concerned ; because upon such Occasions we are not to consider the Guilt or Innocence of the Minister, but the Safety of the Crown and the Interest of the Nation ; and in all Cases where we think either of these immediately at Stake, we ought to offer our Advice, let the Consequences be what they will.

Ann. 14 Geo. II.

1740.

I shall grant, my Lords, that by our Constitution his Majesty is not peremptorily obliged to follow our Advice upon this Subject, no more than upon any other ; but is this a Reason for our not doing our Duty ? If we think, that his Majesty's continuing an unpopular Minister in his Service, may alienate from him the Hearts and Affections of his People : If we think, that a Minister has betrayed the Interests of his Country, either by his Weakness or Wickedness ; is it not our Duty, as his Majesty's chief Council, to advise him to dismiss such a Minister ? And shall we fail in our Duty towards our Sovereign, because we apprehend, that Minister may have such an Influence over him as to prevent his following our Advice ? My Lords, I do not think it consistent with the Respect we owe to our Sovereign, to entertain any such Apprehensions ; and, I am sure, it would be no Sign of Affection or Duty in a Minister, to continue in his Majesty's Service, after either House of Parliament has addressed for his being removed. Therefore if we agree to this Address, we ought to suppose, either that the King, out of his wonted Prudence, will remove the Minister, or that the Minister, out of his Fidelity to his Prince, will remove himself, by resigning all his Employments, and retiring from his Majesty's Councils and Presence.

To pretend, my Lords, that to remove a Minister, would be an Injury done him, unless he had done something to deserve being dismissed, is a very extraordinary Sort of Doctrine. Is not the King Master of his Servants ; and has not every Master a Right to remove any one of his Servants without assigning a Reason ? The Parliament has a Right to advise the King what Servants he may employ, because they are employed in conducting the Affairs of the Nation ; but no Man has a Right to be employed, or to continue in any Employment not granted to him for Life, or for a Term of Years ; and the Parliament's desiring the Removal of any Servant or Minister, is as good a Reason as the King can have for removing him. It would be a most pernicious Advice to tell the King, that he ought to consider, whether the Address of his Parliament be well or ill founded. But suppose the King should follow such pernicious Advice, and deny the Request of his Parliament, this might, it probably would, and it ought to raise an Animosity in both Houses of Parliament against

Ann. 74 Geo. II.
1740.

the Minister ; but it could raise no Animosity against the King ; and I hope the Parliament of *Great-Britain* will always be able to pull any Minister from behind the Throne ; for if it should not, that very Inability would be a Dissolution of our Constitution, and therefore we should have no Reason to apprehend the Constitution's being brought into any Danger by our making the Experiment. If our happy Constitution be yet entire, we may depend upon Success : If it be already dissolved, we have nothing to fear : But by making the Experiment, we have something to hope ; because we may thereby restore our Constitution ; and therefore I am for agreeing to the Address proposed.

The Question being at last put upon this Motion, it was carried in the Negative by the Numbers as follows, *viz.*

Contents 47, Proxies 12, in all 59, Not Contents 89, Proxies 19, in all 108.

Which Motion occasioned the following Protests.

Dissentient

Protests upon
this Motion.

1. ' Because we are persuaded that a sole, or even a first Minister, is an Officer unknown to the Law of *Britain*, inconsistent with the Constitution of this Country, and destructive of Liberty in any Government whatsoever ; and it plainly appearing to us, that Sir *Robert Walpole* has, for many Years acted, as such, by taking upon himself the chief, if not the sole Direction of Affairs, in the different Branches of the Administration, we could not but esteem it to be our indispensable Duty, to offer our most humble Advice to his Majesty, for the Removal of a Minister so dangerous to the King and the Kingdoms.

2. Because we think it appear'd in the Debate, that, in many Instances, of infinite Consequence to the Interest of the Public, he has grossly abused the exorbitant Power which he illegally possessed himself of, particularly in the Management of the public Treasure. And this, we conceive, must plainly appear to every impartial Person who recollects, that, for these twenty Years past, this Kingdom has paid the largest Taxes that ever were imposed upon it in the Time of Peace ; and yet that the public Debts remain much as they stood at the Time when this Gentleman first entered upon the Management of the Treasury ; and that the Civil-List, also, the largest that was ever granted to the Crown, is, as we have the strongest Reasons to believe, considerably in Debt at this Time.

3. Because we conceive it was plainly proved in former Debates, that the Army, so greatly expensive to this Kingdom, and which only was granted by Parliament for the Defence

Defence of it, had been managed, both as to Rewards and Punishments, in such Manner as to make it of no military Use, but on the contrary, to render it subservient, as we apprehend, to the very worst of Purposes, the influencing Elections without Doors, and Votes within.

4. Because we are persuaded, that the vast Sums of Money, granted on different Heads for Sea Service, cannot possibly have been faithfully applied; there having been as much Money granted by Parliament in the last six or seven Years, upon the several Heads applicable to the repairing and rebuilding our Ships, as would have been sufficient to rebuild the whole Fleet of *Britain* from the Keels of the Ships, and have put them thoroughly equipp'd to Sea: And yet it is most notoriously true, that, since this War began, a very great Number of Ships have appeared to be in the worst Condition for Sea-Service that ever they were known to be in the Memory of Man, and many of them scarcely fit for *Spithead* Expeditions; Ships having sailed out of the River, destin'd, as was pretended, for foreign Service, that have with Difficulty been able to swim into the Docks of *Portsmouth* or *Plymouth* for further Repairs.

5. Because we apprehend that, by the Conduct of Sir *Robert Walpole*, in relation to foreign Affairs during the Course of his Administration, the Balance of Power in *Europe* has been destroy'd; the House of *Bourbon* has been aggrandized in many Instances, particularly by the Addition of *Lorraine*. The House of *Austria* has been depress'd by the Loss of Part of the Duchy of *Milan*, and the whole Kingdoms of *Naples* and *Sicily*: And if such a Change in the System of *Europe*, occasioned by the Misconduct of any Minister whatsoever, would be criminal, we cannot think it the less so in one who join'd in the Prosecution of the Authors of the Treaty of *Utrecht*, upon the particular Charge of having reduced the House of *Austria* too low, and left the House of *Bourbon* too powerful.

6. Because it is a Fact not to be contradicted, that the *Spaniards* were permitted quickly to possess themselves of the Land belonging to our most important Fortress of *Gibraltar*, which this Kingdom was in Possession of, by virtue of the Treaty of *Utrecht*, till the last Siege of that Place, by which Permission Fortifications were erected, and Batteries rais'd upon the said Ground by the *Spaniards*, whereby the Use of the advantageous Bay of *Gibraltar* is lost to *England*, and our Ships ever since forced to anchor both inconveniently and dangerously under the Walls of the Town; and what naturally raises the strongest Suspicions in us of this unwarrantable Proceeding, is, that a *British* Admiral, soon after,

Ann. 14 Geo. II.
1740.

was at *Cadix* with a powerful Squadron of Ships of the Line, at the Time the *Spaniards* thus unjustly broke their Treaty, and that Admiral quietly and undisturbed left them in Possession of that Ground, and convoyed their Troops to take Possession of the Dominions of *Tuscany*.

7. Because the Papers upon our Table, delivered to this House from the Commissioners of the Customs, do plainly prove, that Sir *Robert Walpole*, by publicly conniving for many Years at the Trade carried on with this Nation from the Port of *Dunkirk*, has given up the 9th Article of the Treaty of *Utrecht*, which we cannot but look upon as a high Misdemeanour, and the greater Crime in him, that no Man whatsoever declared himself with more passionate Zeal than he did, against the Authors of the Treaty of *Utrecht*, for having favoured *France* in most of the Articles of that Treaty; in Consequence of which Behaviour, it became peculiarly his Duty to preserve inviolably those Articles in it, which were incontestably stipulated for the Interest of this Crown and Nation.

Bridgewater, Westmoreland, Macclesfield, Litchfield, Halifax, R. Litchfield and Coventry, Talbot, Buccleugh, Bruce, Mansel, Cobham, Clinton, Denbigh, Falmouth, R. Lincoln, Berkshire, Aylesford, Beaumont, Carlisle, Bathurst, Exeter, Haverham, Abingdon, St. John de Bletsoe, Ward, Greenwich, Gower, Chesterfield, Bristol, Bedford, Hereford.

After the Determination of the foregoing Question, the Duke of *Marlborough* rose up and spoke as follows:

The Duke of
Marlborough's
Speech.

‘ My Lords, though your Patience must undoubtedly be wearied by the unusual Length of this Day’s Debate, a Debate protracted in my Opinion, not by the Difficulty of the Question, but by the Obstinacy of Prejudice, the Ardor of Passion, and the Desire of Victory; yet I doubt not but the Regard which this House has always paid to the Safety and Happiness of the State, will incline you to support the Fatigue of Attention a little longer, and to hear with your usual Impartiality, another Motion.

The Proposition which I am about to lay down, my Lords, is not such as can admit of Controversy; it is such a standing Principle as was always acknowledged even by those who have deviated from it. Such a known Truth as never was denied, though it appears sometimes to have been forgotten.

But,

But, my Lords, as it never can be forgotten without Injury to particular Persons, and Danger to the State in general, it cannot be too frequently recollected, or too firmly established; it ought not only to be tacitly admitted, but publicly declared, since no Man's Fortune, Liberty, or Life can be safe, where his Judges shall think themselves at Liberty to act upon any other Principle. I therefore move, That any Attempt to inflict any Kind of Punishment, on any Person without allowing him an Opportunity to make his Defence, or without any Proof of any Crime or Misdemeanor committed by him, is contrary to natural Justice. The fundamental Laws of this Realm, and the antient, establish'd Usage of Parliament, and is a high Infringment of the Liberties of the Subject.

Ann. 14 Geo. II.
1740.

And Motion
on any a Censure
tempt to pu-
nish without a
Hearing, &c.

The Duke of *Devonshire*.

' My Lords, though the Motion made by the noble Duke, is of such a Kind, that no Opposition can be expected or feared, yet I rise up to second it, lest it should be imagined that what cannot be rejected, is yet unwillingly admitted.

The Duke of
Devonshire.

That where this Maxim is not allowed and adher'd to, Rights and Liberties are empty Sounds, is uncontestably evident; If this Principle be forsaken, Guilt and Innocence are equally secure, all Caution is vain, and all Testimony useless. Caprice will in our Courts supply the Place of Reason, and all Evidence must give Way to Malice, or to Favour.

I hope therefore, my Lords, that your Regard to Justice, to Truth, and to your own Safety, will influence you to confirm this great and self-evident Principle by a standing Resolution, that may not only restrain Oppression in the present Age, but direct the judiciary Proceedings of our Successors.

The Lord *Lovel*.

' My Lords, Liberty and Justice must always support each other, they can never long flourish apart, every temporary Expedient that can be contrived to preserve or enlarge Liberty by Means arbitrary and oppressive, forms a Precedent which may in Time be made use of to violate or destroy it. Liberty is in Effect suspended, whenever Injustice is practised; for what is Liberty, my Lords, but the Power of doing Right without Fear, without Controul, and without Danger.

The Lord
Lovel.

But, my Lords, if any Man may be condemned unheard, if Judgment may precede Evidence, what Safety, or what Confidence can Integrity afford? It is in vain that any Man means well, and acts prudently, it is even in vain that he can prove the Justice and Prudence of his Conduct. By

Ann. 14 Geo. II.

1740.

By Liberty, my Lords, can never be meant the Privilege of doing Wrong without being accountable, because Liberty is always spoken of as Happiness, or one of the Means to Happiness, and Happiness and Virtue cannot be separated. The great Use of Liberty must therefore be to preserve Justice from Violation, Justice the great public Virtue, by which a Kind of Equality is diffused over the whole Society, by which Wealth is restrained from Oppression, and Inferiority preserved from Servitude.

Liberty, general Liberty must imply general Justice; for wherever any Part of a State can be unjust with Impunity, the rest are Slaves. That to condemn any Man unheard is oppressive and unjust, is beyond Controversy demonstrable, and that no such Power is claimed by your Lordships, will, I hope, appear from your Resolutions.

The Lord Gower.

The Lord
Gower.

‘ My Lords, to the Principle laid down by those noble Lords, I have no Objection, and concur with them in hoping that all our Proceedings will contribute to establish it; but why it should be confirmed by a formal Resolution, why the House should solemnly declare their Assent to a Maxim which it would be Madness to deny, it is beyond my Penetration to discover.

Though the noble Lord’s Position cannot be controverted, yet his Motion, if it is designed to imply any Censure of the Proceedings of this Day, may reasonably be rejected, and that some Censure is intended, we may conjecture, because, no other Reason can be given why it was not made at some other Time.’

The Earl of Hallifax.

The Earl of
Hallifax.

‘ My Lords, that a Censure is intended will, I suppose, not be denied, and that such a Censure is unjust must doubtless be the Opinion of all those who are supposed to have incurr’d it, and it will therefore not be wondered that the Motion is opposed by them, as indecent and calumnious: Late as it is, my Lords, I will not for my Part suffer such an Indignity without Opposition, and still think my Conscience and my Honour require, that I should not be overborne by Perseverance or by Numbers, but that I should, if I cannot convince the noble Lords by Argument, of the Impropriety of the Motion, record my Reasons against it, which may perhaps be more candidly received by Posterity.

The

The Lord Talbot.

‘ My Lords, it is not without Indignation that I hear a Motion The Lord
so injurious to my own Honour, and to that of the noble Lords Talbot.
who have concurred with me in the last Debate, nor without
Contempt that I observed the Motion confounded with
the Positions contained in it; the low Subtlety of such Con-
duct is no less to be despised than the Malice to be abhorred.

Fifty nine Lords are here branded as Strangers or Enemies
to the first Principle of judicial Equity, for doing what
will entitle them to the general Applause of every Man in
the Kingdom that has the full Possession of his Understanding
or the free Use of his Senses; of every Man that can
distinguish Truth or feel Oppression.

They have endeavoured to rescue their Country from the
Rapine of Pensioners, and the Tyranny of an Army, from
perpetual Taxes, and useless Expences, they have attempted
to expose the Errors of arrogant Ignorance, and to depress
the Power of Greatness founded on Corruption and swelling
beyond legal Restraints.

That for such Attempts they are vilified and reproached,
is not to be observed without Indignation and Astonishment;
Astonishment which nothing could abate but the Recollection
of the Situation of those Lords who have united to
promote so unjust a Censure.

Let us, my Lords, consider the Circumstances of the three
noble Lords by whom this Motion has been made and sup-
ported, let us take a View of their Conduct, and consider
the visible Motives to which it may be ascribed, their Places,
their Dependence, —————

The Earl of Cholmondeley.

‘ My Lords, I rise thus abruptly to preserve that Order The Earl of
and Decency which is essential to public Councils, and par- Cholmondeley.
ticularly suitable to the Dignity of this Assembly, which can
only become a Scene of Tumult and Confusion by such
Methods of Debate, and lose that Respect which it has hi-
therto preserved, not only by the Justice of its Determina-
tions, but by the solemn Grandeur of its Procedure.

The Motion, my Lords, is allowed to contain nothing but
what every Man avows in Speculation, and observes, or ought
to observe, in public Transactions, and yet those that offer
and support it are represented as Abettors of Oppression, and
Instruments of Tyranny.

It

Ann. 14 Geo. II.

1740.

It is surely wonderful, my Lords, that those who are so solicitous for the Preservation of their own Honour, and so diligent to obviate the most remote Reflection that may glance upon it, should not remember, that the same Delicacy may raise in others the same Resentment, when their Reputation is openly attacked; and that while they are asserting the Right of the Minority to an Exemption from Censure, they shall not allow the greater Number, at least an equal Claim to the same Privilege.'

The Lord Talbot.

*The Lord
Talbot.*

' My Lords, whether any thing has escaped from me that deserve such severe Animadversions, your Lordships must decide. For what I might intend to say, since by the Interruption of that noble Lord, I was hindered from proceeding, I hope I shall not be accountable.

Not that I acknowledge myself to have asserted any thing either contrary to Law, or to the Privileges of the House, or inconsistent with the Character of an independent Lord, a Character which I shall always endeavour to preserve, and which I will not forfeit for the Smiles of a Court, the Dignity of high Employment, or the Affluences of a Pension.

Nor, my Lord, whenever the Necessities of my Country require that I should speak my Sentiments with Freedom, will I be awed into Silence and Submission, but will set any Power at Defiance that shall dare to restrain me.

I pretend not, my Lords, to be always in the Right, I claim no other Merit than that of meaning well, and when I am convinced, after proper Examination, that I am engaged on the Side of Truth, I will trample on that Insolence that shall command me to suppress my Sentiments.

When I reflect, my Lords, on the Distresses of my Country, when I observe the Security and Arrogance, of those whom I consider as the Authors of the public Miseries, I cannot always contain my Resentment, I may perhaps sometimes start out into unbecoming Transports, and speak in Terms not very ceremonious of such abandon'd such detestable — But as this is, perhaps, not the Language of the House, I shall endeavour to repress it, and hope that the Bounds of Decency have never been so far transgressed by me that I should be exposed to the Censure of your Lordships.'

The Earl of Abingdon.

*The Earl of
Abingdon.*

' My Lords, the present Motion is undoubtedly just, but by no means necessary, or particularly adapted to the present Time.

Time. It contains a general Principle, uncontested, and established. A Principle which this Assembly has never denied, and from which I know not that it has ever departed.

Ann. 14 Geo. II.
1740.

As there is therefore no particular Necessity of confirming it by a new Resolution, and as the present Time seems less proper than any other, I cannot but declare my Opinion, that to resume it, at some other Time will be more prudent, than to give the Lords who think their Conduct censured, any Occasion of Repentment or Discontent.

The Lord Carteret.

‘ My Lords, the Maxim laid down in the present Motion, is in itself incontestable, and so far from any inconsistency with the former, that as there was no Reason for making it, there is, in my Opinion, none for opposing it; as it may at any Time be made, it may at any Time be properly passed: And I hope that our Unanimity on this Occasion will show that Truth how ever unreasonably advanced, will, in this House, be always received.

The Lord Carteret.

But, lest the noble Lords who have opposed the Motion, should think their Honour engaged in continuing the Opposition, I take the Liberty, my Lords, to move that the previous Question may be put.’

Other Lords spoke on both Sides, and at last, the previous Question was put by the Lord Chancellor and carried.

Division on the previous Question.

Dissentient

‘ Because we think this Question ought not to have been put at this Time, for though the Proposition contained in it is undoubtedly true in itself; yet we apprehend it to be nowise applicable to the Point which had been so long debated the same Day. For we conceive that public Utility may render it necessary that a Person should be removed from an Office, and yet that Removal cannot be deemed a Punishment; for Instance, in the Case of Incapacity. Surely then, wilful Neglects, Breach of Duty, and evident Malversation in an Office, may justly require this great Council of State to present an humble Address to his Majesty for the Removal of any Person guilty of such Crimes, in order to prevent public Detriment. And we cannot apprehend, that the Motion which occasioned the former Debate, was by no Means void of Proofs, since the Treaties and Papers referred to (being as Records in the Possession of the House) and the Notoriety of many Facts alledged, were, in our Opinion, equal to a Cloud of Witnesses. For these Reasons,

Protest thereon

Ann. 14 Geo. II.
1741.

sons, although we agree to the Matter contain'd in the Question, and, acting in our judicial Capacity, would never err from the Rules laid down in it, yet we cannot but wish the Question had been laid aside, lest a wicked Minister hereafter should think himself secure in his Office, if he cannot be brought personally to answer at the Bar of this House, and Witnesses *Viva voce*, cannot be produced.'

Signed by the Names as before, with
the Addition of *Sandwich*.

A List of the Lords who voted for and against the first Motion.

Neuter.

Against the Address.

Prince of Wales

Coventry

Belford

Clifton

Brook

Foley

Wilmingtton

Against the Address.

BISHOPS.

Archb. Canterbury

Durham

Winchester

Rochester

Hereford

Sarum

St. David's

Gloucester

Oxford

St. Asaph

Norwich

Bangor

Bristol

Chichester

Landaff

Lord Chancellor

Lord Privy-Seal.

Ld. Steward

Ld. Chamberlain.

DUKES.

Richmond

St. Albans

Bolton

Leeds

Devonshire

Marlborough

Rutland

Mountagu

Arbol

Ancaster Mag. Cam.

Kingston

Newcastle

Portland

Manchester

Chandos

Marqu. Lothain

EARLS.

Pembroke.

Suffolk

Warwick

Peterborough

Essex

Radnor

Berksley

Holderness

Rochford

Albemarle

Jersey

Grantham

Against

Against the Address.

For the Address.

Godolphin
Cholmondeley
Sutherland
Morton
Loudon
Finlater
Dunmore
Hyndford
Portmore
Islay

Oxford
Dartmouth
Tankerville
Cowper
Harborough
Waldgrave
Fitzwalter
Effingham
Malton
V. Fauconberg
V. Weymouth
V. Lymington
V. Harcourt

LORDS.

Harrington
Abergavenny
Delaware
Dudley
Willoughby of Parham.
Hinton
Hervey
Cornwallis
Coventry
Hay
Onslow
Cadogan
Ducie
Walpole
King
Hobart
Monson
Lovell
Raymond

D U K E S .

Beaufort
Bedford
Greenwich
Buccleugh
Bridgewater

E A R L S .

Exeter
Northampton
Denbigh
Westmoreland
Berkshire
Stamford
Winchelsea
Thanet
Sandwich
Chesterfield
Carlisle
Shaftsbury
Litchfield.
Abingdon
Rockingham
Aylesford
Bristol
Hallifax
Stanhope
Macclesfield
Wakefield
Bishop of Lincoln
V. Hereford
V. Cobham

L O R D S .

Clinton
North and Guilford
St. John of Bletloe.
Bruce
Leigh
Ward
Graven

For the Address.

For the Address.

Carteret
Haversham
Goswer
Montjoy
Manjef

Masbam
Bathurst
Romney
Talbot.

February 26, 1740-41. The Order of the Day being read for the second Reading of the Bill intituled, *An Act for the better securing the Freedom of Parliaments by limiting the Number of Officers in the House of Commons.* The said Bill was read a second Time, and it being mov'd to commit the Bill, the same was objected to. After Debate, the Question was put, Whether the said Bill shall be committed? It was resolved in the Negative. Content 44. Not Content 63.

Northampton, Shaftsbury, Stanbope, Clifton.

Dissentient's

Protest on re-
jecting the
Place-Bill.

1. ' Because we conceive, that our Constitution itself points out this Bill, as one of its principal Securities; a due Poize and Independency of the three several Constituent Parts of the Supreme Legislative Power, being required by the Spirit of our Constitution, and absolutely necessary to its Existence. If any one of these becomes dependent on the other, the Constitution is dangerously altered: But if any two become dependent on the third, it is totally subverted, and the wisest Establishment that ever was formed of a free Government, shrinks and degenerates into a *Monarchical* and *Aristocratical*, or *Democratical* Faction. We therefore think we cannot be too careful in providing against whatever may, at any Time, affect this just Poize, and necessary Independency of the three Estates. And this Caution seems the more requisite, now, when, from the inevitable Variation of Things, Employments are become exceedingly numerous, and are yet further artfully split, divided, subdivided, and encreased in Value, in order to add both Extent and Weight to their Influence. Two hundred Employments are distributed in the present House of Commons; a dangerous Circumstance! And which, if it could have been foretold to our Ancestors even in the latter End of the last Century, the Prediction would have been rejected by them as *Chimerical*, or, if believed, lamented as *Fatal*; and should the Number of Employments continue to encrease in the same Proportion, even we may live to see, for want of this Bill, a *constant Majority of Placemen*

Placemen meeting under the Name of a Parliament, to establish Grievances instead of redressing them ; to approve implicitly the Measures of a Court without Information ; to support and *screen* the Ministers they ought to controul or punish, and to grant Money *without Account*, or it may be, *without Bounds*. In which Case, the remaining Forms of our Constitution would, by creating a fatal Delusion, become our greatest Grievance.

Ann. 14 Geo. II.
1741.

2. Tho' we don't absolutely assert, That Employments necessarily must, yet we cannot suppose, that they never will, influence the Votes and Conduct of the Gentlemen of the House of Commons ; for such a Supposition would be equally conclusive against all the Acts of Parliament now in Force, limiting the Number of Officers of any kind in that House ; and, in a Case of such Importance, we think it would be the highest Imprudence, to trust the very Being of our Constitution to bare Possibilities ; especially if an Experience (which we rather chuse to hint at than enlarge upon) should give us just Reason to suspect, that former Parliaments have felt the Effect of this baneful Influence, almost all Persons in Employments having voted invariably on the same Side of the Question, often against the known and signified Sense of their Constituents, and sometimes perhaps even contrary to their own private Declarations ; and no sooner did they presume to deviate from the Ministerial Track, than they were divested of those Employments that failed of their intended Influence. But, admitting that the present House of Commons has kept itself most untaintedly pure from such Pollution ; yet we think it necessary, not to expose future Parliaments to such a Trial, nor the Constitution to the Uncertainty of the Decision.

3. Because, though it should be granted, that this Bill would have restrained in some Degree the Liberty of the Electors, that Objection has no Weight upon this Occasion, every Law being, in some Degree, a Restraint upon the natural Liberty of Man, but yet justly enacted, wherever the Good of the Whole (which should be the Object of every Law) is promoted thereby ; and we apprehend, that this Restraint is of such a Nature, that those only will be uneasy under it who intended to abuse the Liberty. The Votes of the Electors of *Great Britain*, if unbiassed, would rarely concur in the Choice of Persons who were the avowed Creatures of a Minister, known Dependants on a Court, and utterly unknown to those who elect them. But if, in an Age, when Luxury invites Corruption, and Corruption feeds Luxury, there is too much Reason to fear, that the People may be prevailed upon, in many Places by a Pecuniary Influence, to give their Votes to those whom their uninfluenced Sentiments

Ann. 14 Geo. II.

1742.



iments would reject with Indignation and Contempt, we think it necessary to lay this just and constitutional Restraint upon the Liberties of Some, as the only Means to preserve the Liberties of All. By former Acts of Parliament, the Electors are already debarred from electing Persons in certain considerable Employments; and in the *Act for preserving our Constitution*, by settling the Crown upon the present Royal Family, it was enacted, That no Person whatsoever in Employment should be capable of being chosen a Member of the House of Commons. Such was then the Spirit of Liberty, that even this Total Exclusion could not be refused, nor could the Repeal of it afterwards be obtained, without enacting a Limitation of *Placemen* allowed to sit in the House of Commons, and a new Election of every Person who, whilst he was a Member of that House, should accept of any Employment under the Crown; as likewise a Total (we wish we could say an Effectual) Exclusion of all Persons holding Employments created since the passing of that Act; and there is no Reason to doubt, but that the same Spirit of Precaution would, upon the same constitutional Principles, have been carried much farther at that Time, could it then have been foreseen or imagined, that the Exclusion of some *Civil Officers* would have been rendered useless, by the Introduction of so many *Military ones*; and so many Persons in Employments, infinitely inferior, both in Rank and Profit, to those excluded by these several Acts, could ever have been by any Means elected into Parliament: and indeed it seems to us highly incongruous, that *Inferior Clerks*, and *Attendants* of Offices, who have not *Seats* in the Presence of their *Masters*, should be admitted to have Seats in the *Legislature*, and therefore become the *Check* and *Control* of their Masters themselves.

4. Because we do not apprehend, that the Freedom of Parliament is now in the least secured by the Obligation laid upon all Members of the House of Commons, who accept any Employment under the Crown of being re-elected, Experience having shewn us, that this seeming Security is for the most Part become ineffectual, there being very few Instances of Persons failing in such Re-elections, tho' utter Strangers to their Electors; and it is natural to suppose, that, when the Means of Corrupting are greater, the Success of the Candidate recommending himself, by Corruption only, will not be less.

5. Because we observe with Concern, that a Bill of this Nature has been already thrice rejected by this very House of Commons, and not been allowed to be committed, so as to have it known how far it was proposed to extend, which in our Opinions, implied a firm Resolution not to admit of any further Exclusion of Employments whatsoever: Whereas, in this

this last Session of this Parliament, this Bill was sent up to us, after having passed thro' all the Forms of the other House without the least Opposition. This we conceive can only proceed either from their Conviction at last of the Necessity of such a Bill, of which they are surely the properest Judges, or in Compliance with the almost universal Instructions of their Constituents, whose Voice we think ought to have some Weight even here; or lastly, to delude their Constituents themselves, by tacitly consenting to what they were either told, or hoped, this House will refuse. And in this Case we apprehend, That a Confidence so injurious and Dishonourable, ought to have been disappointed from a just Sense of the Contempt thereby shewn of the Credit, Weight, and Dignity of this House.

Ann. 14 Geo. II.
1741.

6. Because we think it particularly seasonable, so near the End of this Parliament, to provide for the Freedom and Independency of the next? and as we consider this Opportunity as the only one we are likely to have, for some Years at least, to do it, it is with the greater Concern that we see this Bill thus laid aside, rather by a Division than a Debate, and by Numbers rather than Arguments. But however unsuccessful our Endeavours have been for the future Security of this Constitution; however unavailing our Desire of enquiring into past and present Transactions; however fruitless our Attempts to prevent future Mismanagements, by a Censure of the past, and the Removal of the Author of them: We have at least this Comfort of transmitting our Names to Posterity, as dissenting from those Measures of which the present Age sufficiently testifies its Dislike, and of which the next may too probably feel the fatal Consequences.

*Abington, Bridgwater, Haverham, Macclesfield,
Greenwich, Hereford, Aylesford, Warrington,
Bruce, R. Litch. and Cov. Carlisle, Talbot,
Gower, Ward, Mansel, Cobham, Chesterfield,
Masbam, Hallifax, Denbigh,*

For all the above Reasons except the last.

Foley,

March 9. 1740 41. This Day the Bill entituled, *An Act* Protest on the for punishing Mutiny and Desertion, and for the better Payment Mutiny and of the Army and their Quarters, being read a third Time, Desertion-Bill the Question was put, Whether this Bill shall pass? It was resolved in the Affirmative.

Dissentient

Ann. 14 Geo. II.

Dissentient

1741.



‘ Because it does not appear to us, That the Forces which are now kept up within this Realm, are to be employed to annoy our Enemies Abroad ; and we are satisfied, the Affections of the People to his Majesty and the Protestant Succession are such, that there can be no Occasion for them to keep this Nation in Awe.

Abingdon, Litchfield, Warrington, Aylesford, Carlisle.

April 25. The King closed the Session with a Speech to both Houses ; which see in *Chand. Hist of 14 Geo. II. 1740. Page 335.*



I N D E X

OF THE

Protesting LORDS,

From *March* 14, 1739, to *April* 25, 1741.

A.

A Ringdon, Page 606, 631, 633, 638, 728, 734, 737,
738.
Aylesford, p. 482, 542, 606, 632, 633, 638, 641,
728, 734, 737, 738.

B.

Bathurst, p. 482, 542, 606, 631, 633, 638, 641, 728,
734.
Beaufort, p. 482, 633, 638, 641, 728, 734.
Bedford, p. 638, 728, 734.
Berkshire, p. 606, 632, 633, 638, 728, 734.
Bridgewater, p. 482, 542, 606, 632, 633, 638, 728,
734, 737.
Bristol, p. 542, 606, 632, 638, 728, 734.
Bruce, (now Earl of Aillbury,) p. 633, 638, 641, 728,
734, 737.
Buccleugh, p. 482, 633, 638, 728, 734.

C.

Carlisle, p. 482, 542, 606, 631, 633, 641, 728, 734,
737, 738.
Carteret, p. 482, 638.
Chesterfield, p. 482, 542, 606, 631, 638, 728, 734,
737.
Clifton, p. 482.
Clinton, p. 641, 728, 734.
Cobham, p. 542, 606, 632, 636, 638, 641, 728, 734,
737.
Craven, 482.

D.

Denbigh, p. 482, 542, 606, 632, 638, 728, 734, 737.

E.

Exeter, p. 633, 638, 641, 728, 734.

F.

Falmouth, p. 606, 638, 641, 728, 734.
Foley, p. 633, 638, 737.

5 D

Gower;

I N D E X.

G.

Gower, p. 482, 542, 606, 632, 633, 638, 641, 728, 734, 737.

Greenwich, p. 482, 542, 606, 631, 633, 638, 641, 728, 734, 737.

H.

Hallifax, p. 482, 542, 606, 631, 638, 728, 734, 737.

Haversham, p. 482, 542, 606, 632, 633, 638, 728, 734, 737.

Hereford, p. 606, 632, 633, 638, 641, 728, 734, 737.

K.

Ker, p. 633, 638, 641.

L.

Lincoln, Bishop of (Dr. Reynolds) 606, 638, 728, 734, 737.

Litchfield, p. 482, 542, 606, 632, 633, 638, 641, 728, 734, 738.

Litchfield and Coventry, (Dr. Smallbroke,) p. 728, 734.

M.

Macclesfield, p. 480, 638, 641, 728, 734, 737.

Manfel, p. 633, 638, 641, 728, 734, 737.

Masham, p. 638, 641, 737.

Middleton, p. 606, 632, 633.

Montjoy, p. 606, 633, 638.

N.

Northampton, p. 631, 641, 734.

O.

Oxford, p. 606, 631.

S.

Sandwich, p. 734.

Shaftsbury, p. 482, 542, 606, 631, 633, 638, 734.

Stanhope, p. 482, 734.

St. John de Bletfoe, p. 728, 734.

Suffolk, 606, 631, 633, 641.

T.

Talbot, p. 482, 542, 606, 632, 638, 728, 734, 737.

Thanet, p. 482, 606, 632, 633, 638.

W.

Ward, p. 606, 638, 641, 728, 734, 737.

Warrington, p. 737, 738.

Westmoreland, p. 542, 606, 631, 633, 638, 641, 728, 734.

Willoughby de Broke, p. 482, 606, 631.

Winchelsea and Nottingham, p. 482.

INDEX

OF THE

LORDS, SPEAKERS,

IN

THIS VOLUME,

A.

A Bingham, Earl of, Page 409, 404, 732.
 Argyle, Duke of, p. 413, 459, 536, 567, 607, 618,
 619, 675.

B.

Bathurst, Lord, p. 418, 430, 477, 484, 554, 705.

C.

Carteret, Lord, p. 425, 470, 497, 597, 616, 627, 641,
 733.
 Chesterfield, Earl of, p. 413, 436, 511, 583.
 Cholmondeley, Earl of, p. 454, 562, 617, 618, 619, 731.

D.

Devonshire, Duke of, p. 729.

G.

Gower, Lord p. 479, 730.

H.

Hallifax, Earl of, p. 522, 547, 730.
 Hardwick, Lord (Chancellor) p. 424, 466, 534, 577,
 623, 694.
 Haverham, Lord, p. 419.
 Hervey, Lord, p. 398, 476, 517, 591, 620.
 Hyndford, Lord, p. 421.

I N D E X

I.

Illa, Earl of, p. 506.

L.

Lovel, Lord, p. 729.

M.

Marlborough, Duke of, p. 728.

N.

Newcastle, Duke of, p. 409, 437, 489, 547, 615, 662.

S.

Sandwich, Earl of, p. 542.

T.

Talbot, Lord, p. 424, 621, 731, 732.

W.

Westmoreland, Earl of, p. 619.





A P P E N D I X.



D E B A T E S

IN THE

SCOTS PARLIAMENT.

THE Parliament of *Scotland*, on the 6th of *July*, Anno 3 Annæ, met at *Edinburgh*, and her Majesty's Commission to the right honourable the Marquis of *Tweeddale*, for representing her Royal Person in this Session of Parliament, was read by the Lord Clerk-register, and ordered to be recorded. The 11th they met again, and her Majesty's gracious Letter was presented by his Grace the Lord High Commissioner, which follows in this manner:

1704.

ANNE R.

My Lords and Gentlemen,

“ **N**OTHING has troubled us more since our Accession to the Crowns of these Realms, than the unsettled State of Affairs in that our antient Kingdom. Queen's Letter to the Scottish Parliament.

“ We hoped, that the Foundations of the Differences and Animosities that, to our great Regret, we discovered among you, did not lie so deep, but that by the Methods we have proceeded in, they might have been removed.

“ But, instead of Success in our Endeavours, the Rent is become wide; nay, Divisions have proceeded to such a Height, as to prove Matter of Encouragement to our Enemies beyond Sea, to employ their Emissaries among you, in order to debauch our good Subjects from their Allegiance, and to render that our antient Kingdom a Scene of Blood and Disorder, merely (as they speak) to make you serve for a Diversion.

“ But we are willing to hope, that none of our Subjects, “ but
1704.

Anno 3 Annæ,
1704.



“ but such as were obnoxious to the Laws for their Crimes,
“ or Men of low and desperate Fortunes, or that are other-
“ wise inconsiderable, have given Ear to such pernicious
“ Contrivances. And we have no Reason to doubt of the
“ Assurances given us by those now entrusted with our Au-
“ thority, that they will use their utmost Endeavours to con-
“ vince our People of the Advantages and Necessity of the
“ present Measures; for we have always been inclined to
“ believe, that the late Mistake did not proceed from any
“ want of Duty and Respect to us, but only from different
“ Opinions as to Measures of Government.

“ This being the Case, we are resolved, for the full Con-
“ tentment and Satisfaction of our People, to grant what-
“ ever can in Reason be demanded, for rectifying of Abuses,
“ and quieting the Minds of all our good Subjects.

“ In order to this, we have named the Marquis of *Twe-*
“ *dale* our Commissioner, he being a Person of whose Ca-
“ pacity and Probity, or Qualifications and Dispositions to
“ serve us and the Country, neither we nor you can have
“ any Doubt. And we have fully empowered him, to give
“ you unquestionable Proofs of our Resolution to maintain
“ the Government both in Church and State, as by Law
“ established, in that our Kingdom; and to consent to such
“ Laws as shall be found wanting for the further Security of
“ both, and preventing all Encroachments on the same for
“ the future.

“ Thus, having done our Part, we are persuaded that you
“ will not fail to do yours, but will lay hold on this Oppor-
“ tunity, to shew to the World the Sincerity of the Profes-
“ sions made to us, and that it was the true Love of your
“ Country, and the Sense of your Duty to it, and therefore
“ not the want of Duty to us, (for we shall always reckon
“ these two inconsistent) that was at the Bottom of the late
“ Misunderstandings.

“ The main Thing that we recommend to you, and which
“ we recommend to you with all the Earnestness we are ca-
“ pable of, is the settling the Succession in the Protestant
“ Line, as that which is absolutely necessary for your own
“ Peace and Happiness, as well as our Quiet and Security in
“ all our Dominions, and for the Reputation of our Affairs
“ Abroad; and consequently for the strengthening the Pro-
“ testant Interest every where.

“ This has been our fixed Judgment and Resolution ever
“ since we came to the Crown; and tho’ hitherto Opportu-
“ nities have not answered our Intention, Matters are now
“ come to that pass, by the undoubted Evidence of the De-
“ signs of our Enemies, that a longer Delay of settling the

“ Succession

" Succession in the Protestant Line, may have very dangerous Consequences; and a Disappointment of it would infallibly make that our Kingdom the Seat of War, and expose it to a Devastation and Ruin. Anno 3 Anne^a
1704.

" As to Terms and Conditions of Government, with regard to the Succession, we have empowered our Commissioner to give the Royal Assent to whatever can in Reason be demanded, and is in our Power to grant, for securing the Sovereignty and Liberties of that our antient Kingdom.

" We are now in a War, which makes it necessary to provide for the Defence of the Kingdom, the Time of the Funds that were lately given for Maintenance of the Land-Forces being expired, and the said Funds exhausted, Provision ought also to be made for supplying the Magazines with Arms and Ammunition, and repairing the Forts and Castles, and for the Change of the Frigates, that prove so useful for guarding the Coasts.

" We earnestly recommend to you whatever may contribute to the Advancement of true Piety, and the Discouragement of Vice and Immorality; and we doubt not but you will take Care to encourage Trade, and to improve the Product and Manufactories of the Nation: In all which, and every thing else that can be for the Good and Happiness of our People, you shall have our hearty and ready Concurrence. We shall only add, that Unanimity and Moderation in all your Proceedings will be of great Use, for bringing to a happy Issue the important Affairs that we have laid before you, and will also be acceptable to us: So we bid you heartily farewell."

Given at our Court at Windsor Castle, the 25th Day of June, 1704. And of our Reign the third Year.

By her Majesty's Command,

Sic Subscribitur,


A. L. WEDDERBURN.

This done, her Majesty's High Commissioner, the right honourable the Earl of *Seafeld*, Lord High Chancellor, and the right honourable the Earl of *Cromarty*, principal Secretary of State, made the following Speeches:

My Lords and Gentlemen,

' You have heard the Queen's gracious Letter; her Majesty therein expresses such a Concern for the Good and Welfare of this Nation, and gives such unquestionable Proofs of it, as prevents even your Wishes. I do not in the least doubt, but when you duly consider the Import of this Letter, you will

Anno 3 Annæ,
1704.



will be all of the same Mind with me, that it is now in our Power to make ourselves and our Posterity happy."

"Such, indeed, are her Majesty's gracious Condescensions that, in order to obtain what is for our Good, we need only propose it, provided you do it, as no doubt you will, with the Regard and Deference that are due to so gracious a Sovereign, and that in your Demands you keep within just and reasonable Bounds, and ask nothing but what is in her Majesty's Power to grant.

"If there be any thing yet wanting for the better securing our Religion, and the present Church Government, as now by Law established; or for the suppressing of Vice, and encouraging of Virtue; if any Grievances to be redressed, and new Laws found necessary, as I doubt not but there will, for rectifying of Abuses crept into your Constitution, or Administration of the Government, or any Part of it, whether it be in Policy or Justice; or for removing all Encroachments upon the Sovereignty, or Liberties of the Nation, and the securing and preserving these entire and inviolable to ourselves and our Posterity; I am fully empowered and entrusted, not only in these Matters, to give you what reasonable Satisfaction you can demand; but likewise in any thing that may be proposed, for improving of Learning, the Advancement of Trade, and encouraging Manufactories: So that, in effect, nothing hath escaped her Majesty's Care, that can any ways contribute to make you a flourishing and happy People, she reckoning the Welfare, Peace and Prosperity of her Subjects, the only way to her own Greatness and Happiness.

"And yet, as if all this were too little, her Majesty extends her Care for you further, in recommending to you, as you have heard, the settling the Succession in the Protestant Line; and this her Majesty recommends to you with all the Earnestness she is capable of, as that which is absolutely necessary for securing to yourselves, and transmitting to your Posterity, your Religion and Liberties, or whatever else you have or can have that is valuable. Sure her Majesty can have no Concern in this, but the Interest of her People, which does so evidently require the settling of the Succession, and the settling of it at this Time, that, I hope no true Protestant, and Lover of his Country, will, when he hath seriously thought on it, find just Ground to oppose it.

"Her Majesty having thus done her Part, and in a Manner so good and generous, and evidently disinterested, it remains that we fail not to do ours, by letting go this great Opportunity (which, if now lost, may possibly never be recovered) to deliver this Nation from the Inconveniencies and
Hardships

Hardships that it hath lain under ever since the Union of the Crowns, and which of late have grown heavier upon it. Anno 3 Annæ,
1704.

Her Majesty hath also recommended to you the Supplies that are wanting for the Purposes mentioned in her Letter, which I need not repeat; for sure there are none here, who are not convinced of the Necessity of them, and who will not heartily concur in giving of them, notwithstanding the low Circumstances the Country is in at present; especially seeing her Majesty allows you to enquire into the Misapplications of former Funds given and appropriated by Parliament, and to take such a Course as may prevent the like for the future,

One Thing more I have to add, and that is concerning the Business of the Plot, of which so great Noise hath been made in our Neighbour Nation; Her Majesty hath allowed me to acquaint you, that in due Time the whole Matter shall be laid before you, and that she hath given the necessary Orders for having both the Persons that have been examined in *England*, and the Papers that relate to that Affair, sent hither. Her Majesty doubts not but your Enquiries into that Plot, or any other Practices of the like Nature, will end in your laying down solid Measures for preventing of them, or the fatal Consequences of them in Time to come; and as to any Questions or Contest that may arise upon such Enquiries amongst you, her Majesty hopes, that you will manage them with all the Temper and Moderation that the Nature of the Thing will allow.

My Lords and Gentlemen,

I have spoke long, contrary to my Way and Inclination, and therefore I shall only add, in a Word, as to myself, that I am very sensible of my Unfitness for so great a Trust; but since such is her Majesty's Pleasure, I will do my best, and I shall esteem myself very happy, if I can any ways contribute to bring Matters to any Settlement in this Nation. It is a great Encouragement to me, I must own it, that the present Opportunity, in a Manner, enables me to give, at the same Time, the greatest Proofs that I can ever hope to give of my Duty to her Majesty, my Love to my Country, and my Respect to Parliaments, in particular to this honourable Meeting.

The Lord High-Commissioner having done, *James*, Earl of *Seafeld*, Lord High-Chancellor, took the Word, and spoke to this Effect:

My Lords and Gentlemen,

You have heard her Majesty's most gracious Letter, Lord Chancellor's
and what his Grace my Lord-Commissioner hath been pleased
ed Speech.

Anno 3 Annæ,
1704.

(vi)

ed to add ; which do fully lay before you the weighty and great Reasons, for which her Majesty hath been pleased to call you together at this Time ; and you must all be convinced, that the chief Design of her Majesty's Government is to advance the Happiness and Welfare of her People, and to protect them in the full Possession and Enjoyment of their Religion and Civil Concerns.

Her Majesty doth, with a very tender and affectionate Concern, lay before you the Danger of Divisions and Animosities ; and recommends to you, to employ your Thoughts for promoting what is for the Security and Advantage of the Kingdom : And you cannot but be sensible, that our Divisions must encourage our Enemies Abroad, to form Designs to disturb the Peace and Tranquillity we now enjoy ; and therefore ye will, no doubt, make use of this Opportunity to convince all, that this Nation is fixed and firm in their Loyalty to her Majesty, and that all her good Subjects will constantly support her Government.

Her Majesty doth, with great Earnestness, recommend the settling of the Succession to the Crown in the Protestant Line, as what would be the surest Foundation for the Security of your Religion and Liberties, and will contribute greatly to the Advancement of the Protestant Interest every where ; and this being of so great Consequence, it is not to be doubted, but that you will think this the fit Opportunity for taking it under your Consideration, while we have the Advantage of being convened in Peace under her Majesty's Protection, and can deliberately consider what is the most profitable Mean for the future, to secure and preserve all that is valuable to us : And, for your further Encouragement, you have heard how her Majesty hath given full Instructions to her Commissioner, to grant such Conditions of Government, with regard to the Successor, as can reasonably be demanded, for securing of the Sovereignty and Liberties of this Kingdom ; so that nothing is wanting on her Majesty's Part, that is necessary for the Establishment and Security of this Nation.

You know that her Majesty is engaged in a most just and necessary War, for the Defence of the Liberties of Europe, which makes it necessary that Supplies be given for maintaining the Forces, for repairing the Forts and Garrisons, for providing the Magazines with Arms and Ammunition, and for maintaining the Frigats, which have proved so useful for the guarding of your Trade : All these being so plainly needful ; it is not to be doubted, but that you will readily comply therewith. It is to be regretted, that the Nation is in so low a Condition ; but what we give is necessary

necessary for our own Defence, and will circulate within the Kingdom; And her Majesty doth freely allow of taking Inspection of the Funds that have been given by Parliament, and appropriated for the public Use, and will take Care, that what shall be now given shall be duly applied. Anno Annæ,
1704.

‘ Her Majesty hath given frequent Assurances of her Resolution to maintain the Established Government of the Church, and hath recommended to you to fall upon effectual Means for discouraging of Vice and Immorality, and for encouraging true Piety and Religion; and providing for, and employing of the Poor.

‘ The Trade of the Kingdom doth also deserve your serious Consideration; for the Advancement of which, and Improvement of the Product and Manufactories of the Kingdom, her Majesty gives you Assurance of her ready Concurrence.

‘ My Lord Commissioner has acquainted you, that the Plot, which has made so great a Noise here, and in our Neighbour Nation, shall be laid before you, with all its Evidences; and it is not to be doubted, but that you will take Care to do therein what is necessary for the discouraging of bad Practices, which may tend to disturb the Peace and Quiet of this Kingdom; and in all your Proceedings in this Matter, that you will avoid Animosities, and make it your principal Care to provide for the public Security and Peace.

My Lords and Gentlemen,

‘ I shall conclude with recommending to you again, the serious Consideration of what her Majesty has so earnestly recommended; and that ye will improve this Opportunity, which God hath given you for securing to yourselves, and transmitting to your Posterity, your Religion and Liberties, which will certainly be for your Honour and Happiness, and will render you equally acceptable to her Majesty, and to all her Subjects.

Lastly, *George, Earl of Cromarty*, Lord Secretary, spoke to this Purpose:

My Lord Chancellor,

‘ Albeit this Seat wherein it has pleased her Majesty to place me, does allow, or rather oblige me to say something on this Occasion, yet my Lord High Commissioner, and my Lord Chancellor have said so fully, and so well, as I fear what I can say will prove a diminutive Adjunction: But I shall speak little, and (if I can remember) I shall not repeat. My Lord, should all her Servants be silent, the Actions, the Sayings, the whole Tract of her Majesty's Government, and the

Earl of Cromarty's Speech.

Anno 3 Annæ,
1704.

the happy Effects thereof do speak loudly, that if ever Prince or Sovereign have devoted themselves to God and their Country, without Flattery or Hyperbole, we may truly say, that our most gracious Queen hath: All may hear, and those who have the Honour to attend her Majesty may see, that her Time, her Care, her Pleasure, her Leisure, her Treasure, yea, her very Health and Life, are sacrificed every Day, and almost every Time of the Day, to actual Exercise of Devotion to God, or Administration of Government to her People; and we may bless God, that by his Blessing on her Endeavours, all and every one of her Subjects do participate of the Fruits of the Royal Sacrifice: Nay, and all the best Part of *Europe* beside, that is her Majesty's Confederates; and her and their Enemies do find with Grief what we feel with Satisfaction: And tho' her Majesty has many Dominions under her Royal Care, and more Confederates, yet she omits not any of our particular Concerns, and we partake in our full Capacity of those happy Effects. We are, with many others, engaged in a great, but (to full Conviction) necessary War, the Effects whereof are dreadful and hurtful, not only in Expence and Soldiers, (which all must afford:) But, as to seeing our People slaughtered like Beasts in our Streets and Houses, to see our Towns in Fire, our Women ravished, our sacred Things prophaned, and many other dismal Effects of War and Rapine, (which almost all others feel and see:) We (Thanks to God, and under him to his Vicegerent our Queen) do only hear of these Things: My Lord Chancellor, this we ought, and, I doubt not, we do remember and consider. My Lord, this is not offered as an Eulogy or Panegyric on her Majesty; she is far above what I can say, but it is an Antecedent to the following Subsumption.

' And as this of her Care of us, and Zeal for us, is evident, so it is no less true, that the Queen sits higher than we do, or ought to do, on this Throne, as she does also on the Throne of her other Dominions. And farther, we know, that she is one of the Heads, and highly situate in all the great Confederacy, whereof her Majesty is, if not the Chief, yet a Principal; and from this both Reason and Discretion oblige us to conclude, that she must see very much farther, and more clearly into the Actions, Designs, and Practices of her and our Enemies, in the Concerns, and in what directs and moves our Allies, than it is possible for us to do, who both stand lower, and are bounded in our narrower Spheres: Therefore, as in all Matters, so especially in Points of Fact, we are bound to rely on her Information and her Judgment more than our own, since what we can but conjecture, is obvious to her certain Knowledge; and if we should fall (as

I con-

I confidently hope we will not) into the Indiscretion, to op- Anno 3 Annæ,
 pose our Conjectures to her Knowledge, that could not mis- 1704.
 of dire Effects, and readily most mischievous to ourselves.

‘ Her Majesty’s Royal Letter, my Lord Commissio er
 his Grace, and my Lord Chancellor have plainly laid before
 us Matters of great Importance: Her Majesty is very ex-
 press in what she purposes; her Reason and Antecedent is as
 plain and express as the Conclusion. I hope the two Mo-
 tives I give for believing, and consequently for obeying her
 Majesty, are also plain and concluding.

‘ My Lord Chancellor, the Honour of being her Majesty’s
 Secretary obliges me to obviate and remove an Aspersio on
 the Queen’s Majesty’s Candor and Honour (if any such Insi-
 nuation be made) which is, that some would persuade others
 to believe, that the Queen has a secret Will in the Affair
 now before us, contrary to her express Will revealed and
 declared by her in her Royal Letter. My Lord, I am per-
 suaded she does hate that Position in Theology, and I am
 certain she does so in her Politics; and the Reason of my
 Certainty in this is, that her Majesty did command me, and
 I think her other Servants, expressly to assure this House,
 That nothing in her Service could please her better, than if
 they should believe and obey her in what she proposes in her
 Letter; and nothing can displease her more than to do
 otherways.

‘ My Lords, both old Custom and good Manners oblige
 us to begin with her Majesty’s Letter, and in its Method;
 if my Zeal and Duty on this Subject have drawn me in to
 speak more than I intended, or perhaps needed, I beg the
 House’s Pardon: But since my Hand is in, and that I nei-
 ther use nor love to speak oft, I shall only add my earnest
 and humble Wish for these two Things; 1st, That the Or-
 ders of the House may be strictly observed; for by that
 much Time will be saved, and many Inconveniencies pre-
 vented; and the not doing of this, will disgrace this great
 Court. The *second* is, That we may redargue one another
 with Kindness and Civility; let our Force fall on the Sub-
 ject which we oppugn, or the Measure which we reject, and
 by no means on one another’s Persons. Would to God we
 were always unanimous; but that seldom, if ever, was in so
 numerous a Court or Council: But when we differ, will we
 argue the better by our being angry? No, *impedit ira ani-*
imum. Will we convert others so well, by making them an-
 gry, as by a meek Calmness in arguing? Does Spite add
 Force to Reason; or does it produce that Consent which we
 endeavour to obtain? So for our own sakes, and for the Ho-
 nour of our Reasonings, let us urge and reply with Calm-
 ness.

Anno 3 Annæ,
1704.



ness. I have oft regretted to see good Reasoning lost, or at least ineffectual in great measure, by the Heats in arguing; and I will say it were a Pity; for the Members of great Courts elsewhere may, in the Opinion of many, speak better Language than these of this do; yet they do not speak better Sense. And besides these Motives to calm Reasoning, this ought to determine us all against it, to wit, that neither our Heat nor our self-pleasing Arguments, are, what will determine any Debate. The Law of Order, the Constitutions, Statutes, and Necessity, give the Faculty of concluding to the whole of this House; and all we can say must be submitted to what this whole House will approve, or to what the major Part will agree in: And therefore, much Reasoning, and all Heats, will, on many Accounts, be profitably forborn. I conclude with this Assertion, which I think evident without Discourse, that as the Union of *Britain* is apparently its greatest politic Good; so, as certainly, and by the infallible Rule of Contraries, a Division of *Britain* is its greatest Evil: And then, it is a necessary Corollary, whoever is not for the Union of *Britain*, may be concluded an Enemy to it.*

Duke of Hamilton's Speech

The 13th the Parliament met again, and the Duke of *Hamilton* made a Speech, desiring, that her Majesty's Letter might be considered, and likewise the Nomination of a Protestant Successor, but insisted at the same time, that Commissioners might be named to treat previously with *England*. This Overture occasioned a great Debate the 17th. Upon which the two following Speeches were made, in relation to the Settlement of the Succession of that Kingdom in the *Hanover* Line.

My Lord Chancellor.

Speech in the
Senate
ment about the
Hanover Suc-
cession.

' We have had a long Vacancy; nine Months have given us a new Light, and have let us into the Knowledge of Men and Things. The Act of Security was what we staid upon very long last Sessions: I was for it as much as any Man; but my Mind, as well as Judgment, is altered, and I am now well assured I was in the wrong. For if her Majesty could have passed it into a Law, it would have done her nor us no manner of Service, because it left the Sessions loose during her Majesty's Life-time; which Omission alone may undo her (whom God preserve) and us.

' We were not aware of the deep Designs of some who pretended only the Good of the Kingdom, a specious Pretext to keep this Nation free, and as a By-weight to throw in

* This, and the following Speeches were printed together, and dispersed over both Kingdoms.

in to balance upon Occasion, for a Help to sway with those Anno 3 Anna,
 of our Neighbours, who may be so wickedly and traiterously
 inclined, as to wish and act for the pretended Prince at St. 1704.
Germain, I mean for *France*, against the rightful and lawful
 Title of her Majesty, and the Succession of her *English*
 Crown, so well established by the Laws of that Kingdom.
 I hope, my Lord, the Wisdom of this House will take Care
 to disappoint the Men of such pernicious and dangerous De-
 signs. There have been, and are still *Achitophels*; but God
 hath turned their Councils into Folly: A Trick will serve
 but for one Turn amongst Men of common Sense.

‘ We ought to be very thankful to God and the Queen,
 that Things have been set before our Eyes of late in a clear
 Light; and some amongst us ought to bless both, that they
 for their Contrivances were not brought within the Verge
 of the Law, and made an Example and Terror to others,
 that none might venture on the like wicked Practices against
 our Sovereign, and the Peace of her Government. These
 Men’s Actions are known, and all their Words are carried by
 the Birds of the Air to her Majesty’s Ears.

‘ I beg Leave, my Lord, to presume that there are few
 in this House but are well acquainted with the History of
Peter Warbeck, (*alias Perkin*) in our King *James IV*’s
 Time. He was bred and nursed up with a Design to de-
 throne *Henry VII*, by *Margaret*, Dutchess of *Burgundy* and
Flanders, as a fit Tool to satisfy her revengeful Temper;
 and tho’ she knew him to be only the Son of a poor Man at
Townsey, she gave him the Name and Title of Duke of
York, and true lineal Heir of her deceased Brother *Edward*,
 late King of *England*. She equipt him, and gave him Ships,
 Men and Money, and sent him into *Ireland*, where a Rebel-
 lion was raised, as well as in *England*, by him and his Adhe-
 rents: He failed in the Expedition. The *French* King,
Charles VIII, found him a fit Instrument to serve a Turn for
 him also; wherefore he entertained him as the Prince of
England, and he, with the Dutchess of *Flanders*, equipt him
 out a second time: But finding Difficulties, at last he came
 here to our King *James IV*. The Story of this Knight-
 errant had justly given our King and Court Grounds to be-
 lieve him a notorious Impostor. Upon this pretended
 Prince’s Address to the King for some Aid, his Majesty wisely
 called his Council, and asked their Advice what to do on the
 Subject; *Buchanan* informs you, *Cum sententiæ rogarentur,*
prudentiores & quibus major erat rerum usus, rem integram
reponendam censuerant.

‘ Here, my Lords, the old wise Men of Experience in
 Council were of Opinion, that it was not fit for his Majesty

Anno 3 Annæ.
1704.



to receive or entertain this pretended Prince, who they wisely believed to be a Fourb, and who had given great Trouble to this Island, and was like to give much more.

‘ But when the Question came to the young Nobility of the Council, the same Author says, they were the Majority, and carried it in favour of *Perkins*: *At major pars, vel ob peritiam rerum, & animorum inconstantiam, &c. fortunam hominis commiserabantur*: The young Counsellors, either for want of Experience, or for want of Steadiness of Mind, were more easily caught. They were more in Number, and had a Compassion for the young Stranger. They were told he was like the late King *Edward*, his pretended Father, and the Family of *York*, tho’ they never had seen any of them.

‘ Here the Cheat went on: He had the Entertainment of of a Prince, he had a Wife out of one of our noble Families, he had an Army raised in his Favour, and led into *England* by our young King, and after much Blood and Treasure spent on this pretended Prince, the Cheat was discovered; he was sent away out of our Country, and some time after had the Reward of Villany.

‘ My Lord, this Act of inconsiderate Hospitality to one who was but a Cheat, gave just Ground to the World abroad to call our Judgment into question; and no body will read the History but will conclude, that our Predecessors were extremely imposed on, and that the Impostor might have caused the utter Ruin of their Liberties and Country.

‘ My Lord, the same Game is a playing now. Perhaps some have never read the History, and others have forgot it. No wonder, it happened two hundred Years ago; when no Male Issue was like to succeed King *James VII.* one was to be found *vixi & modis, per fas aut nefas*: One at last was said to be born at *St. James’s*, *June 1688.* That Child died soon after, a second was put in his Place, and carried to and nursed up at *Richmond*; but God thought fit to kill that second Child also.

‘ Now, my Lord, this pretended Prince of *Wales* is a third Child, in whose Veins there is not a Drop of Royal Blood.

‘ Here is a new *Perkin* come into the World two hundred Years after the first, who was sent to ruin *England* and *Ireland*, only to satisfy the violent Malice of a revengeful Woman.

‘ This second pretended Prince is nursed up by *Rome*, *France*, and Armies of implacable revengeful Priests, who give him the Title of King.

‘ For what? To the end that he may prove a more fit Instrument, upon any Occasion, to root out and totally destroy us and our holy Religion, which they call Heresy.

‘ Some

‘ Some of us, my Lords, are no wiser than our Predecessors in this point : We give the Priests and other Agents of *France* and *Rome* Leave to pervert our Understanding ; we take such Impressions as remain : Young Men’s Minds are tender and soft, and retain the first Impressions long. Some of us have been in *France* not many Years ago, and have seen this pretended Prince, and commend his Person and Parts, his Features, &c. and say he is very like the Royal Family ; tho’ some of us never saw one of them, except our own Queen. Anno 3 Anna, 1704.

‘ Thus young Men are very apt to be led out of the Way. I have known some by keeping bad Company did catch the *French* Disease ; Modesty and Shame made them conceal it till it was too late, and then it cost them their Life. It is the Case at present with some of us here, who have got the *French* Inclinations, more dangerous in this Nation than the Disease, and will not own it till it is too late, and then it may cost them their Lives, their Estates, with the Ruin of their Posterity. Whatever young Men may do, my Lords, for want of better Information, yet it is strange that Men of riper Age, Pretenders to Religion, to the Good and Interest of our Country, are said to be tainted with the same Inclination to have *France* rule over us ; of which Men there is a mighty Jealousy : I will not believe them guilty, and at the same time I cannot answer for them ; but let their Works testify what they aim at.

‘ We all talk loud of Love for our Country and Religion, but I presume to say, that the Love of Money, and Self-Interest, hath appeared more our Study than any thing else.

‘ What bad Practices hath not her Majesty by her great Care found out ? The Contrivers may cover their Designs the best Way they please ; but, my Lord, whoever waits or inclines for the Bondage and cruel Oppressions we in this Nation are so lately delivered from, be who they will, are and may be found guilty of Crimes of a dangerous Consequence, and of a transcendent Nature, no less than the Subversion of the Government of this Kingdom, and the Alteration of the Protestant Religion ; and this not upon a bare Information only ; her Majesty knows their Converse, and their Actions speak aloud to all about them.

‘ Such Practices are an Enemy to all Goodness and good Men ; it is from such Proceedings that our Assembly is corrupted, and till this Fountain of Mischief is purged, we cannot expect to have any clear Channels : All here know what I mean.

‘ These Crimes are various in their Natures, heinous in their Quality, and universal in their Extent. If we examine them,

Annæ 3 Anne,
1704.

them, my Lord, theologically, as they stand in Opposition to the Truth of God, they will be found to be against the Rules of Faith, against the Power of Godliness, and against the Means of Salvation.

‘ If you examine them morally, as they stand in Opposition to the Light of Nature, to Right Reason and the Principles of human Society, you will then perceive Pride without any Moderation; such a Pride as that which exalts itself, &c. Malice without any Provocation, Malice against Virtue, against Innocency, against Piety; Injustice without any Means of Restitution, even such Injustice as does rob the Innocent of their just Right and unspotted Reputation.

‘ If these Men, my Lord, who set up for the pretended Prince of *Wales*, be examined by legal Rules in a civil Way, as they stand in Opposition to the public Good, and to the Laws of the Land already in force; these Men, I say, may be found to be Traitors against her Majesty’s Crown, and Incendiaries against the Peace and Safety of this Kingdom; they may be found the highest, the boldest, and the most impudent Offenders that ever were; Betrayers of the Queen and People, as well as of this Country and our Religion. If any one here is sensibly pinched, let him consider whether or no he is guilty; if he is, let him sin no more, lest a worse thing befall him.

‘ My Lord, I see many here may remember, if they please, the frequent Tragedies that were acted among us some twenty Years ago. I am sure there are several of us, whose nearest Relations were sacrificed to the despotic and arbitrary Will, and to the revengeful Resentments of Popery and its Principles; it was then that the Orders to persecute, execute, to hang, draw, and quarter, and to shed the best Blood in the Nation, without, nay, against any Law, were by a Prerogative Royal without Reserve.

‘ I see some here were banish’d, and forced to wander in Exile, and beg Shelter from foreign Princes, whose Families were dispersed and ruined, whose Estates were torn in Pieces and given to Strangers, Men of another Communion. Can these melancholy Reflections be forgot so soon by ourselves, who were the Martyrs? A Spirit of Delusion seems to cover the Eyes of our Understandings, till we fall a second Sacrifice to the same bloody Actors.

‘ I speak for nor against no Party of Men; but, my Lord, it is high time for us to consider in cool Blood, how to barricado ourselves against the Assaults of the common Enemy, *France* and Popery; in order to which I have two Things to move, which are, that we may all here obey our Saviour’s new Commandment, Love one another, and often
repeat

repeat that excellent Prayer taught us by that same blessed Anno 3 Annæ, Saviour; by doing whereof we shall be brought to forgive one another, as we desire God to forgive us. This done, we shall be in better Circumstances to lay aside our Pride, our Passion, Covetousness, our Vain-glory, and unrelenting Revenge, which alone belong to God Almighty to repay; and shall be in a Condition to serve our Sovereign, in Obedience to her just Commands, our Country and People, in their necessary Requests, and settle a Protestant Successor, while we have the Occasion and Power in our own Hands: Accidents may happen, and put it out of our Way, ever to do it to our Advantage.

Wherefore I move, it may be considered and finished, before this House proceed to any other Business.

My Lord Chancellor,

I second the noble Member that spoke last, in his Motion for settling the Succession, before the House proceeds to any other Business: But I do not pretend to give any Direction how the Matter shall be done; let the Wisdom of this honourable House consider with mature Deliberation, what can preserve us from *Rome* and the *French* King, that her Majesty's Royal Person and Crown may be secure from all Invasions Abroad, and Disturbances at Home.

My Lord Chancellor, Her Majesty deserves all the Returns of Loyalty and Duty that are in our Power to make; I believe she hath given my Lord Commissioner such Instructions as may prove to our Advantage, if they are duly put in Execution. Complaints have been made by some, that they are not full for settling a Successor; I am morally sure, my Lord, the Complaint is ill-grounded, which I hope his Grace will soon declare to this House, and satisfy all her good and loyal Subjects, how much she hath the Peace and Advantage of this her ancient Kingdom in her Thoughts.

As hath been well observed just now, last Sessions many of us were misled; I own my Mistake of Men and Things; we were going very fast into a Labyrinth; our Leaders misinformed us; the Nation now may see its Interest; theoretical Schemes and Projects, which can never be brought to Practice, ought to be laid aside; they create much Debate, spend much Time, and can never be of use. My Lord, with Submission, this Assembly ought to lay aside all frivolous Debates, that our Judgments may not be called in Question elsewhere.

I am for following the Advice just now mentioned: Let us forgive, and love one another; let us join Hearts and Hands to keep out the known Enemy of our Religion. If that

Anno 3 Annæ,
1704-



that Deceiver or Breaker of sacred Vows and Treaties, made and sworn upon the Holy Gospel at the Altar, in the most solemn and most religious manner, shall, by his Power and our mistaken Management, put upon us that Thing in the Air, called the Prince of *Wales*, of no Birth, of no Blood, sprung from whom is unknown to himself, as well as to us; we must be ruined, my Lord, every Man here who enjoys his Estate, may easily know what he has to trust to; we all know who must come with him, the same Men and Principles who destroyed us twenty Years ago. I humbly move, with Submission, that we may pass by all the mutual vexatious Animosities which were amongst us but lately; all Parties have been to blame; God will pardon the Penitent: The Queen oversees, and graciously forgives; let us mutually do the same, and settle our Succession, and secure and help ourselves, and God will help us; it will prove our own and the People's Safety.

Salus Populi suprema Lex esto,

‘ Let us follow the Example of our wise Neighbours, and make such Laws as may tie up the Hands and terrify the Hearts of our own depraved Subjects, who dare offer to act or speak in Favour of any, in Prejudice to her Majesty's lawful and rightful Title to her Crown and Dignity.

‘ I am confident, my Lord, no Man here dares own his Inclinations to be for the *French* King, or that pretended Prince, whatever Prospect he may have of Titles, Honours, or subordinate Power from him, who hath no Bowels of Compassion left, who consumes his own Vitals, by persecuting and tormenting his own best Subjects, and spares neither Sex nor Age in his neighbouring Country, even of his own mistaken Religion, if they but refuse to be his Slaves; witness his new Conquests in *Alsace* and *Flanders*. What then are we to expect, who by that Tyrant are accounted Heretics?

‘ Whoever are so wicked amongst us, as to venture either to council, conduct, or invite, whenever he comes, (which God prevent) may expect the same Fate. For my own Part, my Lord, I have no personal Prejudice against him, nor the pretended Prince of *Wales*, but I here solemnly declare, that I will oppose him, or either of them, with all their Adherents, whilst there is a Drop of Blood in my Veins; and I am morally sure of 100000 of the best Men in *Britain* to accompany me in the Opposition; and I am sure, my Lord, of this, that the Nation in general will go along with me also; God be praised, we are Protestants, and of the Reformed Religion, for which I hope we shall
ever

ever be ready and willing, upon any such Occasion, to sacrifice our Lives and our Fortunes, to prevent all these impending Evils. My Lord, let us settle a Successor who is a known Protestant, and of our own royal and antient Race of Kings.

A nno 3 Annæ,

1704.

‘ For an Argument of this, an anonymous Author, in his Remarks on the late Plot, gives some Reasons for it, which for your Information I here presume to repeat: After he excuses two noble Dukes, he says, ‘ ’Tis hoped this is sufficient to make it plain, that to insist on an Union and Communication of Trade at this Time, would retard the Succession, which may be dangerous to ourselves, and to the whole Protestant Interest all over Europe.

“ The Danger to ourselves is evident, from the Conspiracy that *Frazer* and his Accomplices have been carrying on in the *Higblands*, and other Parts of this Kingdom, the general Discontents which are in our Nation, &c. and gives his Reasons, Page 48.

‘ He continues to tell you, ‘ That the *Jacobites* here, and their Friends beyond Sea, make a great Improvement of the Delay of settling the Succession; they flatter themselves, and impose upon the World, that it proceeds from the Inclinations of our People to the *St. Germain* Family.’

‘ Then he goes on to tell you, my Lord, of our Divisions, which, says he, ‘ encourage the *French* to solicit a Rebellion, and to attempt an Invasion, either of which effected, transforms our Country into a Field of Blood. And supposing (which God forbid) her Majesty should die whilst the Succession is unsettled, and our Country lying under these intestine Divisions, the *Hanover* and *St. Germain* Parties will certainly engage us in a Civil War: *England* and *Ireland* will assist the first, and *France* the other. This will make our Nation a Theatre of Woe and Calamity, and whoever hath the Advantage in such a Case, we must be Slaves for ever.’

‘ Our Author, my Lord, concludes the Paragraph, and tells us in such Circumstances, ‘ that there will be no room for Thoughts of insinuating on Limitations, and humbly conceives that what is said is sufficient to shew the Necessity of settling the Succession upon the Foot of our old Constitution; that it will be the only way to secure us against those Dangers we are threatened with, from the Madness and Folly of both Parties, *viz. Whig and Tory.*’

‘ My Lord Chancellor, this anonymous Author hath said very much in favour of the Rights and Privileges of this Kingdom in these Remarks, and other Books which I have seen; and in particular, hath been at some Pains to excuse some great Men, whose Works and Actions I would have

Anne 3 Anne,

1704.



rather to speak and plead for them, that we may see and know in good earnest in whose Company we are, and with whom we have to do. Yet I must say, the Author seems in earnest for settling the Succession.

“Tis certain, my Lord, whoever is for pressing an Union or a Communication of Trade at this Time, is diametrically against the settling the Succession; and, if we do not perform this necessary Point this Session, what Constructions will Men of unbias’d Principles, Men of the same Religion with ourselves all the World over, put upon our Management?

“Will not the Majority of this Assembly be justly suspected, if the Succession be not settled this Time? On this Point depends the Security of all that is dear to us both spiritual and temporal, at Home and Abroad; and whoever are against it, without all manner of Doubt, are Enemies at bottom to our Queen, to our Religion and Government, and to the People of this Kingdom, and their Posterity. The Person, my Lord, who I presume you will think fit to name for a Successor, is her Royal Highness the Electress Dowager of *Brunswick and Lunenburg*, the Princess *Sophia*; she is the next Protestant of our own Royal Family, whose Mother was a Native of our own Country, born at *Dunfermling*. Her Highness’s Blood is truly Royal, her Inclinations and Heart, as I am credibly informed, are entirely *British*; and, my Lord, we can go no where else for a Successor, but to her and the Heirs of her Body. When this Point is settled on the best Conditions proper for us to ask, and in her Majesty’s Power to grant, none in this Assembly will have Occasion so very often to make mention of her Majesty’s Death, as they did last Year, which indeed carries something rude in expressing it. We all know, my Lord, she is mortal; may we act and speak as if we thought ourselves so, and may we never have Occasion to make more mention of her Death; may she outlive all of us; she is the Support and Glory of us, of our Religion, and of the Quiet and peaceable Government we all enjoy; and by her shining Character, illustrates and adorns all her good Subject.

“Wherefore, my Lord, let it never be said, that we of this Parliament, either by Neglect or by wrong Principles, or by a Mistake in our Judgments, grasping at what can never be obtained, are either the immediate or mediate Cause of eclipsing so bright a Lustre, as shines thorough all the distinct Parts of her wise Management at Home as well as Abroad. From hence we hear the joyful News of Victories, and a happy Progress by the wise and adorable Providence, in the late great Success vouchsafed to her Majesty’s Arms and those of her Allies; whereby God hath thus far disap-
pointed

pointed the Hopes, and confounded the Devices and ambitious Designs of the common Enemy.

Anno 3 Annæ

1704.

‘ I presume to say, with Submission, that our Divisions amongst ourselves; these last two Years past, have given her Majesty more real Vexation and Trouble than all the great Affairs of *Europe*, of which she hath a very great Share; this alone is a Reproach to our Nation in general: Whereas indeed the true Cause is the Pride, Ambition, and covetous Humour of some few particular Men of both Parties, who all pretended the Service of the Queen and the public Good; whereas in good Earnest, all that these pretended Patriots aim at is to be chief, and the first in Poits and Offices of Profit and Trust, by which they may pretend a Privilege to spend and squander away the public Revenue, oppress the People, to support their own Pride, Vanity and Luxury.

Hinc illæ Lacrymæ.

From such Managers and self-interested; passionate, proud Men, are all our Misery, and all the Reproaches cast upon the Nation: Covetousness and the Love of Money blind these Men's Understandings. Let us not follow their Maxims, lest we prove troublesome to our Sovereign, and useless to the Public. I know very well, my Lord, some here who are really for the Succession, but are not for having it settled at this Time for several pretended Reasons; but a great one is, they would not have his Grace, my Lord Commissioner, have the Honour of passing it, whilst he sits on the Throne.

‘ I confess, for my own Part, I have no Concern whoever does a good thing, provided I have a Share of it; and I hope, if any Man is against it on that Account, he will repent and consider the public Advantage: From which, and from all that has been said, I am, my Lord, for settling of the Succession now, before the House proceeds to any other Business.’

But, notwithstanding these Speeches, the Earl of *Rothess* having prescribed another Resolve, it was carried by a Majority of 55, that the Resolves presented by the said Earl, and that presented by the Duke of *Hamilton*, should be jointly voted, and they are as follow :

The Resolves prescribed by the Earl of *Rothess* and Duke of *Hamilton* carried.

Resolved, That the Parliament will not proceed to a Nomination of a Successor, unless we have a previous Treaty with *England*, for regulating our Commerce, and other Concerns with that Nation.

And further it is resolved, That this Parliament will proceed to make such Limitations and Conditions of Govern-

Anno 3 Anne, 1704. ment, for the Ratification of our Constitution, as may secure the Religion, Liberty, and Independency of this Nation, before they proceed to the said Nomination. The first Part of this Resolution was proposed by the Duke of *Hamilton*, and the latter by the Earl of *Rothefs*.

The Duke of Athol's Motion relating to the Plot. The same Day the Duke of *Athol* moved, that his Grace the Lord Commissioner would be pleased to write to her Majesty, to send down the Persons who were Witnesses in the late Plot, and all the Papers relating to the same, that that Affair might be examined to the Bottom, and those who were unjustly and falsely accused might be vindicated, and those who are guilty punished, according to their Demerits. Whereupon the Lord Chancellor declared, that his Grace had written, and would write again on that Subject.

Earl of Marchmont's Motion to exclude Popish Successors. The 19th, the Earl of *Marchmont* made a Speech to this Effect, 'That since the House had resolved not to fall immediately upon settling the Succession, it was highly reasonable to make an Act to exclude all popish Successors, as the most effectual means to secure the Peace of this Kingdom.'

Thwarted by the Duke of *Hamilton*.

The Earl's Reply.

Duke of *Hamilton*'s Motion for a two Months Cess. Another of the Lord Justice Clerk for one of fourteen Months.

The Duke of *Hamilton* said thereupon, 'That it was not now a proper Season to answer that Proposal, but that it should be answered another time. This occasioned some Debate, and the Earl pretended that it was contrary to the Custom of Parliament to interrupt a Member; but nothing was resolved thereupon. The same Day the Duke of *Hamilton* moved for a two Months Cess, for the present Subsistence of her Majesty's Forces; and the Lord Justice Clerk moved for a Supply for fourteen Months, payable in two Years. These two Motions were taken into Consideration the 21st, and it was carried by sixteen Votes for the latter; but on the 25th, when the Act of Supply was again taken into Consideration, and an additional Clause about the Security of the Kingdom was offered to be added to the Act of Supply, after a Debate thereon, the following Resolutions were offered by the Lord *Rofs*.

Conditional Resolution offered by Lord *Rofs*,

which is opposed.

An Expedient presented by the Earl of *Roxborough*.

Resolved, That the Parliament will proceed to grant two Months Supply for subsisting her Majesty's Forces, and as soon as the Act of Security, now read, has got the Royal Assent, will give four Months more. This Motion being opposed, the Earl of *Roxborough* presented the following Resolution as an Expedient, *viz.*

Resolved, That there be a first Reading marked on the Act of Security, and that both the Act, and that for the Supply, be without being farther proceeded on, until his Grace, her Majesty's Commissioner, receive Instructions as to the
A&

Act of * Security, it being then free to the Parliament to proceed on the Acts jointly or separately, as they shall think fit. This Resolve was approved, and the Act of Security had a first Reading marked thereon. The 27th, the Parliament adjourned to the 3d of *August*, expecting by that Time that the Commissioner would have received her Majesty's Instructions on the said Act of Security.

Anno 3 Annæ,
1704.

And approved.

On the 5th of *August*, the Act for the Security of the Kingdom, in case of her Majesty's Death without Issue, and that for a Supply of six Months Cess, had the Royal Assent; the first of which, by reason of the Singularity of it, shall be inserted.

" Our Sovereign Lady the Queen's Majesty, with Advice and Consent of the Estates of Parliament, do hereby statute and ordain, that in the Event of her Majesty's Death, or of the Death of any of her Majesty's Heirs and Successors, Kings or Queens of this Realm, this present Parliament, or any other Parliament that shall be then in being, shall not be dissolved by the said Death, but shall, and is hereby required and ordained, assembled, to sit and act in manner after-mentioned, notwithstanding of the said Death. Scotch Act of Security.

" And if the said Parliament shall be under Adjournment the Time of the said Death, it shall, notwithstanding, meet precisely at *Edinburgh* the 20th Day after the Death aforesaid, excluding the Day thereof, whether the Day of the said Adjournment be sooner or later.

" And it is farther statuted and ordained, that in case there shall be no Parliament in being at the Time of the said Death, then the Estates or Members of the last preceding Parliament, without Regard to any other Parliament that may possibly be indicted, but never met, nor constitute, shall meet at *Edinburgh* on the 20th Day after the said Death, the Day thereof excluded.

" And farther providing, that in all or any of the said Cases, if there shall happen to be any Vacancy of a Member, by reason of Death or Promotion, the Barons or Burghs concerned, shall have Power to chuse and supply the said Vacancy in the accustomed manner.

" As likewise, that in all or any of the said Cases, no Person who hath been, is, or shall be then a Papist; and hath not purged himself from Popery, by taking the *Formula* set down in the third Act of the Parliament 1700, before the said Death, shall be capable to be a Member of, or to elect, or
be

* It was this Act, which was passed by the Advice of the Earl of Godolphin, and was loudly complained of in England, that gave Rise to the Union,

be elected to the said Meeting of the Estates in Parliament. And likewise, that no *Englishman*, or Foreigner, having a *Scotch* Title, and not having an Estate of 12000*l.* yearly Rent within this Kingdom, shall, in the Event aforesaid, have Place and Vote in the said Meeting of Estates.

“ And the said Estates of Parliament appointed, in case of the Death aforesaid, to continue or meet as above, are hereby authorized and empower'd to act and administer the Government in manner after mentioned; that is, that, upon the Death of her Majesty, leaving Heirs of her own Body, or failing thereof, lawful Successors designed or appointed by her Majesty, and the Estates of Parliament, upon the Death of our succeeding King or Queen leaving Heirs or Successors, as said is, the said Estates of Parliament are authorized and empowered, after having read to the Heir or Successor the Claim of Right, and desir'd them to accept the Government in the Terms thereof, to require of, and administer to the said Heir or lawful Successor, by themselves, or such as they shall commissionate, the Coronation Oath, and that with all convenient Speed, not exceeding thirty Days after the Meeting of the said Estates, if the said Heir or Successor be within the Isle of *Britain*; or if without the same, not exceeding three Months after the said Meeting, in order to the exercising the Royal Power, conform to the Declaration of the said Estates contained in the Claim of Right.

“ As also in the Case of the said Heir or Successor, their being under Age, which, as to the Exercise of the Government, is hereby declared to be, until their attaining to seventeen Years compleat, to provide for, order and settle, within the Space of sixty Days after the said Meeting, a Regency for the Kingdom, until the said Heir or Successor take the Coronation Oath, and do actually enter upon the Exercise of the Government; the Regent or Regents to be appointed always having the Claim of Right read to him or them, as above, and he or they taking at his or their Entry the Coronation-Oath, and to continue to sit and act for the Space of three Months, unless they be sooner lawfully adjourn'd or dissolved by the said Heir and Successor, being entered, or by the Regent or Regents lawfully settled, as said is.

“ And farther upon the Death of her Majesty without Heirs of her Body, or a Successor lawfully designed or appointed, as above, or in the Case of any other King or Queen thereafter succeeding, and deceasing without lawful Heir or Successor, the aforesaid Estates of Parliament convened, are thereby authorized and empowered, to nominate and declare the Successor to the Imperial Crown of this Realm, and to settle the Succession thereof upon the Heirs of the said Successor's

cessor's Body; being always of the Royal Line of Scotland, and of the true Protestant Religion.

Anno Annæ,
1704.

“ Providing always, that the same be not the Successor to the Crown of *England*, unless in this present Session of Parliament, or any other Session of this, or any other ensuing Parliament during her Majesty's Reign, there be such Conditions of Government settled and enacted, as may secure the Honour and Sovereignty of this Crown and Kingdom, the Freedom, Frequency and Power of Parliaments, the Religion and Trade of the Nation, from *English* or any foreign Influence, with Power to the said Meeting of Estates to add such further Conditions of Government, as they shall think necessary, the same being consistent with, and no ways derogatory from those which shall be enacted in this, and any other Session of Parliament during her Majesty's Reign.

“ And it is hereby declared, that the said Meeting of the Estates shall not have Power to nominate the said Successor to the Crown of this Kingdom, in the Event above expressed, during the first twenty Days after their Meeting, which twenty Days being elapsed, they shall proceed to make the said Nomination with all convenient Diligence.

“ And it is hereby expressly provided and declared, that it shall be High-Treason for any Person or Persons to administrate the Coronation Oath, or be Witnesses to the administering thereof, but by the Appointment of the Estates of Parliament in manner above mentioned, or to own or acknowledge any Person as King or Queen of this Realm, in the Event of her Majesty's Decease, leaving Heirs of her Body, until they have sworn the Coronation Oath, and accepted the Crown in the Terms of the Claim of Right; and in the Event of her Majesty's Decease without Heirs of her Body, till they swear the Coronation-Oath, and accept of the Terms of the Claim of Right, and of such other Conditions of Government as shall be settled in this, or any other ensuing Parliament, or added in the said Meeting of Estates, and be thereupon declared and admitted as above, which Crime shall be irremissible, without Consent of Parliament.

• “ And because in the aforesaid Interval of twenty Days, betwixt the said Death and Meeting of Estates of Parliament, in case there be no Parliament assembled for the Time, it is necessary that the Administration of the Government be provided for in that Interim. Therefore it is hereby declared, that in case of the Death of her Majesty, or of any succeeding King or Queen of this Realm, in all or any of the Events above-mentioned, the aforesaid Administration shall be in the Hands of such of the Members of the said Estates

Anno 3 Anne,

1704.

Eſtates of Parliament, and ſuch Members of the Privy Council laſt in being, as ſhall be at *Edinburgh* at the Time of the ſaid Death, or ſhall come to *Edinburgh* before the aforeſaid twentieth Day, and ſhall meet in the Parliament Houſe there, which Members of the Eſtates, and the ſaid Members of the Privy Council, are hereby empowered to ſit and act in the ſaid Interim, for preſerving the Peace and Quiet of the Kingdom allenary, and till the ſaid Meeting of Eſtates, and no longer; thirty of the ſaid Members of the Eſtates, and Members of the former Council, being a *Quorum*, the Plurality being always of the Eſtates who were not of the former Council.

“ And it is hereby further ſtatuted and ordained, that all Commiſſions granted to the Officers of Eſtate, Lords of Treafury and Exchequer, Preſident of the Privy Council, and all other civil Commiſſions that are now granted during Pleaſure, ſhall, by the Deceafe of the King or Queen reigning, become null and void, excepting Sheriffs, Stewards and Juſtices of the Peace, in their reſpective Bounds.

“ And for the further Security of this Kingdom, her Majeſty, with Advice and Conſent aforeſaid, ſtatutes and enacts, that the whole Proteſtant Heretors, and all the Burghs within the ſame, ſhall forthwith provide themſelves with Fire-arms for all the ſenſible Men, who are Proteſtants, within their reſpective Bounds, and thoſe of the Bore proportioned to a Bullet of fourteen drop Weight running; and the ſaid Heretors and Burghs are hereby empowered and ordained, to diſcipline and exerciſe their ſaid ſenſible Men, once in the Month at leaſt, the ſaid Heretors always taking the Oath of Allegiance and Aſſurance; as alſo ſuch Heretors or ſenſible Men who are ſuſpected of Popery, are hereby appointed, when required, to take the *Formula* mentioned in the Act of Parliament, 1700, and that before the Sheriff of the Shire, or any other Judge within whoſe Jurisdiction they reſide.

“ And it is hereby likewise ſtatuted and ordained, that upon the Deceafe of her Majeſty, or any of her Heirs or Succeſſors, the Commiſſions of all Officers of the ſtanding Forces above a Captain, ſhall immediately become void and null; and that the Captains of the ſeveral Troops and Companies, and the Lieutenants of thoſe who ſhall have belonged to the Colonels, Lieutenant Colonels, and Majors, do continue to command their reſpective Troops and Companies, without extending their Command any farther, under pain of Treafon, till further Orders from the ſaid Eſtates or Committee in the Interval.

“ And further, her Majeſty, with Advice and Conſent aforeſaid,

foresaid, requires and ordains all Officers and Soldiers, which shall happen to be in daily Pay at the Time of the Decease
aforesaid, to continue in, or immediately repair to their respective Garrisons and Quarters, and not to remove from thence, but by Order of the said Estates or Committee above-mentioned, upon pain of Treason. Anno 3 Annæ 1704.

“ And lastly, her Majesty, with Advice and Consent aforesaid, rescinds, casses and annuls the seventeenth Act of the Session of the Parliament, 1696, and all other Laws and Acts of Parliament, in so far as they are inconsistent with this Act.”

Upon Occasion of passing this Act, his Grace the Marquis of Tweeddale, her Majesty's High Commissioner, made the following Speech to the Parliament.

My Lords and Gentlemen,

“ At your sitting down, her Majesty in her gracious Letter recommended to you two Things, which she thought most necessary for your own Quiet and Security, as well as for that of her Government; the settling the Succession in the Protestant Line, and the providing for the Subsistence of the Forces, the Funds last given for that end being then exhausted. The first of these you have not thought fit for your Interest to do at this Time; I heartily wish you may meet with an Opportunity for it more for your Advantage at another. The other, all of you seemed most ready and willing to go into, as witness the several Motions and Resolves made thereanent, but withal shewed strong Inclinations for an Act of Security, as absolutely necessary. I told you then, as I had done at first, that I had been fully empowered, and instructed not only as to that, but many other Things for your Good, but upon the Alteration of Circumstances, had not now the Liberty to make Use of those Powers even as to that, till I had acquainted her Majesty, and knew her Mind, which I would do, and use my utmost Interest to procure it favourable, which was the true Reason of your long Adjournment, and not what was insinuated by some, who ought to have known me better, the Character I have in the World being, I hope, above so mean a Reflection.

“ And now, my Lords and Gentlemen, I can tell you that from her Majesty's innate Goodness and gracious Disposition towards you, it hath been more easy for me, and some other of her Servants, to prevail with her, than, perhaps, was by others expected; so that you have an Act of Security sufficient for the Ends proposed: And it is hoped at the same time you will perfect that of Supply, which you yourselves

Anno 3 Annæ,

1704.



seem convinced to be absolutely necessary at this Time, and without which neither the Forces can be kept on foot, nor any Frigates maintained for guarding our Coasts, and securing our Trade, both which now lying before you, I hope you will go presently about, that when finished they may have the Royal Assent, which I am ready to give, and thereafter you may have Time to proceed to other Business relating to Trade, or your other Concerns, wherein I shall be willing to comply with your Desires, so they be within the Bounds of my Instructions.

Which is nevertheless delayed.

But whatever his Grace might expect of them by way of Provision for the Subsistence of the Army, they made but slow Paces therein; but spent most of their Time upon the public Accounts; and the most remarkable of their Proceedings upon that Head was, that on the 11th they read the first four Accounts of Receipts and Disbursements; and as to the fourth Observation of the Commissioners, for Provision for *English* Forces, they found that to be an Article due by *England*, and the Sum mentioned in the fifth Observation the like, and ordered the Clerks of the Treasury to produce the Instructions of the said fifth Article, against the next Day of Meeting: So that the Time being spun out to the 27th, not very much to his Grace's Satisfaction, or, perhaps, to the Parliament itself, they were adjourned to the 7th of *October*, upon which Occasion the Lord High Commissioner made the following Speech:

My Lords and Gentlemen,

High Commissioner's Speech in adjourning the Parliament.

' You have now sat long, and, I think, you cannot complain that you have been cut short by frequent Adjournments or short Sederunts. In this Time more might have been done; however, some good Laws are passed, and one in particular, which gives sufficient Evidence of the Disposition her Majesty was in to have gratified you in whatever was reasonable. I advertised you lately, that you had not much longer to sit; and tho' I cannot but say the Time you have had, since has been very usefully employed, yet, if there had been more Dispatch made, some of those good Laws which are now before you might have passed; but now I must tell you, that I am not allowed to give you any more Time, her Majesty thinking a short Recess necessary at present, so it will not be long till you may have another Opportunity of doing what still remains fit to be done; for no Disappointment her Majesty hath met with can alter, in the least, her favourable Disposition towards this her antient Kingdom.'

Farther

Farther PROCEEDINGS of the
SCOTCH PARLIAMENT.

THE *Scotch* Parliament met again on the 28th of The Duke of June, 1705, when his Grace *John* Duke of *Argyle*. Argyle High her Majesty's High Commissioner, went to the Par- Commissioner. liament-House, where his Grace's Commission was read, and recorded; after which a Commission to *James* Earl of *Seafield* to be Chancellor, Commissions to *William* Marquis of *Annandale*, and *Hugh* Earl of *Loudoun*, to be Secretaries of State, *David* Earl of *Glasgow*, to be Lord Treasurer Deputy, Sir *James* Murray of *Philiphaugh*, to be Clerk Register, and *Adam* Ormiston, to be Lord Justice Clerk, were read and recorded as usual. Then they adjourned to the third Instant, when they met again, and her Majesty's Letter to them was read as followeth: And his Grace, the Lord Commissioner and the Lord Chancellor made the following Speeches.

ANNA REGINA.

My Lords and Gentlemen,

“ I T hath been our great Care and Concern ever since Queen's Letter
“ our Accession to the Crown, to preserve the Peace, and read.
“ promote the true Interest and Advantage of that our an-
“ cient Kingdom; and above all, to have your present Estab-
“ lishment so secured, that both you, and after Ages may
“ reap the Benefit thereof.

“ You are now again met in Parliament, and no doubt,
“ with a full View of all your present Circumstances, which
“ we heartily wish may be seconded with such Endeavours
“ on your Part, as may best accomplish what we so really
“ design.

“ In your last Meeting, we recommended to you with the
“ greatest Earnestness, the settling of the Succession of that
“ our antient Kingdom in the Protestant Line, and several
“ Things having since happened, which shew the great In-
“ conveniency of this Matter's continuing in Suspence, we
“ cannot but at present most seriously renew the Recommen-
“ dation of this Settlement, as being convinced of the grow-
“ ing Necessity thereof, both for the Preservation of the
“ Protestant Religion, and the Peace and Safety of all our
“ Dominions, and for defeating the Designs and Attempts
“ of all our Enemies. And to prevent any Objections to

Anno 4. Anne.
1705.



“ the said Settlement, that can be suggested from the Views
“ or Fears of future Inconveniencies that may happen to
“ that our Kingdom from thence, we shall be ready to give
“ the Royal Assent to such Proceedings and Restrictions, as
“ shall be found necessary and reasonable in such a Case; and
“ therefore we must still leave it upon you as most necessary
“ for all the Ends already mentioned, that you go to the
“ Settlement of the Succession before all other Business.

“ We are fully satisfied, and doubt not but you are, that
“ great Benefits will arise to all our Subjects by an Union of
“ Scotland and England, and that nothing will contribute
“ more to the composing of Differences, and extinguish the
“ Heats that are unhappily raised and fomented by the En-
“ mies of both Nations, than the promoting of every thing
“ that tends to the procuring the same. Therefore we ear-
“ nestly recommend to you to pass an Act for a Commission
“ to set a Treaty on foot between the Kingdoms, as our Par-
“ liament of England has done, for effectuating what is to
“ desirable, and for such other Matters and Things as may
“ be judged proper for our Honour, and the Good and Ad-
“ vantage of both Kingdoms for ever; in which we shall
“ most heartily give our best Assistance.

“ The Supplies granted by the Parliament for maintain-
“ ing the Forces, with the Forts, Garrisons and Frigates, are
“ now at an end, and the same being still necessary to be
“ maintained; as likewise that the Magazines of Arms and
“ Ammunition be duly furnished, for the Peace and Security
“ of the Kingdom, especially now in Time of War, we
“ doubt not but you will provide the Supplies needful, in
“ such manner as may be easy and effectual.

“ We have named the Duke of Argyle to be our Com-
“ missioner, to represent our Person in this Session of Par-
“ liament, as one, of whole Capacity and Zeal for our Ser-
“ vice, and the Kingdom's Good and Advantage, we are
“ sufficiently assured, and no less hopeful that he will be to
“ you acceptable: We have fully empowered him to de-
“ clare our firm Resolution to maintain the Government
“ both in Church and State, as by Law established, and like-
“ wise to consent to such further Laws as shall be thought
“ needful for that end.

“ We have also empowered him to give the Royal Assent
“ to such good Laws, as shall be concluded for the Advance-
“ ment of Piety, and Discouragement of Immorality, for
“ the better encouraging and improving of Trade and Ma-
“ nufacture, the further Securing of private Rights and
“ Conveyances, and for promoting the more easy and speedy
“ Administration of Justice; and generally, for what may
“ be

“ be found for the Good and Advantage of the Kingdom. Anno 4 Anne,
 “ In all such, and whatever else may contribute for the Hap- 1705.
 “ piness and Satisfaction of our People, you shall have our
 “ ready and chearful Concurrence; And so we bid you hear-
 “ tily farewell.”

*Given at our Court at Windsor Castle, the 18th of June,
 1705; and of our Reign the 4th Year.*

By her Majesty's Command,

DAVID NAIRNE.

His Grace, my Lord Commissioner, made afterwards the following Speech.

My Lords and Gentlemen,

‘ Her Majesty has in her most gracious Letter expressed so much Tenderness and Affection towards this Nation, in assuring you, that she will maintain the Government, as established by Law, both in Church and State; and acquainting you that she has been pleased to give me such Power, to pass such Acts as may be for the Good of the Nation, that, were it not purely to comply with Custom, I might be silent. Lord High Commissioner's Speech.

‘ Her Majesty has under her Consideration the present Circumstances of this Kingdom; and out of her extreme Concern for its Welfare, has been graciously pleased to recommend to you two Expedients, to prevent the Ruin, which does but too plainly threaten us: In the first place, your settling the Succession in the Protestant Line, as what is absolutely and immediately necessary to secure our Peace, to cool those Heats which have, with great Industry and too much Success, been fomented among us, and effectually disappoint the Designs of all our Enemies. In the second, a Treaty with *England*, which you yourselves have shewn so great an Inclination for, that it is not to be supposed it can meet with any Opposition.

‘ The small Part of the Funds which were appropriated, in your last Meeting, for the Army, are now at an end, and I believe every body is satisfied of how great a Use our Frigates have been to our Trade; and it is fit to acquaint you, our Forts are ruinous, and our Magazines empty. Therefore I do not doubt but your Wisdom will direct you to provide suitable Supplies.

‘ *My Lords and Gentlemen,* I am most sensible of the Difficulties that attend this Post, and the Loss I am at by my want of Experience in Affairs; but I shall endeavour to make it up by my Zeal and Firmness in serving her Majesty, and the great Regard I shall have to whatsoever may be for the Good of my Country.’

Then

Ann 4 Anne,
1705.



Lord Chancel-
lor's Speech.

Then my Lord Chancellor spoke to the Assembly in the following Words :

My Lords and Gentlemen,

' Her Majesty in her most gracious Letter, and my Lord Commissioner his Grace, in his Speech, do propose those Things to your Consideration, which are of the greatest Importance for the Security of your Religion and Liberties; and her Majesty is most willing to do all that is in her Power, to promote the Happiness and Prosperity of all her Subjects.

' For these Ends her Majesty doth, with great Earnestness, continue to recommend to you the Settlement of the Succession to the Crown in the Protestant Line, as the surest Measure for preserving all that is valuable to you, with regard either to your sacred or civil Concerns: So long as this is delayed, the Enemies of our present Establishment will continue their bad Designs, and be ready to take the first Opportunity to disturb the public Peace; and when can you enter upon the Deliberation of this Matter, with greater Advantage than now in her Majesty's own Time; and when you have Assurances from her of all Encouragement, and that she is ready to grant such Limitations and Conditions of Government, with regard to the Successor, as can be reasonably proposed, and will give her Royal Concurrence in every thing that can make this Settlement advantageous to this Nation?

' Her Majesty doth also in her Royal Letter, with great Concern, signify her Design to prevent all Differences that may happen between this Kingdom and that of *England*; and proposes the only Expedient in this Matter, the setting on foot a Treaty of Union, and of such other Matters and Concerns as may be for her Majesty's Honour, and the Good and Advantage of both Kingdoms. It is unquestionably the Interest of both Nations, that they be more closely united; and that there be an entire Communication of Advantages and Privileges, and that they both had the same Interest, which would make this Island secure at Home and formidable Abroad; and you are assured of her Majesty's Royal Concurrence and Assistance, to make this Treaty effectual, to the mutual Advantage of both Kingdoms.

' You will certainly think it reasonable to grant the needful Supplies for maintaining the Forces and Frigates, and for other Uses mentioned in her Majesty's Letter; these being so necessary now in Time of War, for the Support of her Majesty's Government, and for the Defence of this Nation, against the Attempts and Designs of our Enemies.

My

My Lords and Gentlemen,

Anno 3 Annæ,

1704.

' My Lord Commissioner being fully instructed by her Majesty, in every thing that concerns the Good of this Nation, you have the clearest and greatest Evidence of her Majesty's most tender Care for the Happiness of her People. I am therefore hopeful you will improve this most desirable Opportunity, for promoting of Piety, for encouraging our Trade, for preserving your Peace, and for doing all that may be for the mutual Satisfaction of her Majesty and her Subjects.'

These Speeches and other necessary *Formula's* being over, on the 5th the following Motions were made.

The first by the Marquis of *Annandale*, one of the Secretaries of State, thus, proposed, That the Parliament go into consideration of such Limitations and Conditions of Government, as shall be judged proper for the next Successor in the Protestant Line.

Motions made by the Marquess of Annandale, Earl Marischal, and Earl of Marr.

The second by the Earl *Marischal*, thus, Resolved, that this House, before all other Affairs, will make such a Regulation of the Trade and Coin of this Kingdom, as may be most proper for the Advantage of this Nation.

The third by the Earl of *Marr*, thus, Resolved, that this House, will proceed preferable to all other Business, to take into their Consideration the Nation's Circumstances, as to *England*, and how to enter into a Treaty with them.

This last being seconded by few, his Lordship thought fit to withdraw it till another time; but the House fell into a Debate of six Hours upon the two first Motions, and at last it came to the Question, Proceed to the Consideration of Coin and Trade, or to Limitations first? And the first was carried by about 100. Then a second Question was put, Whether the Coin, &c. should be taken into Consideration by way of Resolve, which excluded all other Business till that be determined, or by way of Proposal, which admitted of other Business: this was carried too by a great Majority.

The 10th, an Act discharging the Importation of Corn from *England* and *Ireland*: And an Act discharging the Importation of *English*, *Irish*, and all Foreign Butter and Cheese, were read.

The 17th, they came to the following Resolves touching the Succession. Resolved, that this Parliament will not proceed to the Nomination of a Successor, till we have had a previous Treaty with *England* in relation to our Commerce, and other Concerns with that Nation. And farther it is resolved, that this Parliament will proceed to make such Limitations and Conditions of Government, for the Rectification of our Constitution, as may secure the Liberty, Religion

Ann 3 Annæ;
1704.

Mr. Fletcher's
Motion relating
to a Treaty
with England.

ligion and Independency of this Kingdom, before they proceed to the said Nomination.

The 26th, Mr. *Fletcher of Salton* presented an Act for separating from the Crown, and annexing to the Property of Landed-men, all Mines of Gold and Silver, within the Bounds belonging to them. The 31st of *July*, the said Mr. *Fletcher of Salton*, gave in the following Resolve: Resolved, 'That in pursuance of the Resolution made last Session of Parliament, and now again confirmed in this, the Parliament, notwithstanding the unneighbourly and injurious Usage received, by an Act lately passed in the Parliament of *England*, entitled, an Act for the effectual securing of the Kingdom of *England*, &c. is still willing, in order to a good Understanding between the two Nations, to enter into a Treaty with *England*; but it is not consistent with the Honour and Interest of this independent Kingdom to make any Act, or appoint Commissioners for that End, until the Parliament of *England* do propose the same in a more neighbourly Manner.

Resolved, To proceed to the necessary Acts for regulating our Trade, the Ratification of our present Constitution, and the Limitations, in the Terms of our first Resolve.

Another by
Lord Bellhaven.

Resolve presented by the Lord *Bellhaven*. That we will take into Consideration the Rectification of our Constitution, and the Limitations upon the Protestant Successor, previous to the Consideration of any Treaty with *England*.

Another with
regard to free
voting by Lord
Anstruther.

An Act for free voting, presented by the Lord *Anstruther*, thus: The Estates of Parliament considering the evil Consequences that may rise by Officers of the Custom or Excise, Collectors or Surveyors, being Members of Parliament, therefore our Sovereign Lady the Queen's Majesty, with Consent of the Estates of Parliament, to prevent all Jealousies, and give full Satisfaction to all her good Subjects, statutes, enacts and declares, that hereafter no Officer of the Customs, or Excise, Collector or Surveyor, nor Manager of the Customs, nor Farmer of any Branch of her Majesty's Revenue, directly or indirectly, shall be Members of Parliament; and declares this Act shall have its Commencement the next Parliament that shall be called.

The whole Day was spent upon the above-mentioned Resolves, and upon Debate, whether to go first upon the Consideration of a Treaty of an Union with *England*, or upon Limitations, it was carried for Limitations.

Debate on establishing a Council of Trade.

Which is to be appointed by the Parliament.

On the 11th of *July*, the Parliament having taken a Council of Trade under Consideration, upon a Debate, whether the Nomination of the Members of it should be left to the Queen, or whether they should be named by the Parliament, it was carried they should be named by the Parliament.

On

On the 14th the Council of Trade being twenty-one in Number, viz. seven of each Estate, were named in Parliament, each Estate naming seven of their own Members, excluding all Farmers and Collectors of the Revenue. The

1705.

16th, the Overture of an Act for chusing Officers of State, Privy Council, Treasury and Exchequer, in case of her Majesty's Decease, without Heirs of her Body, was read; and also an Act for a Triennial Parliament; and both were marked a first Reading. They proceeded also to consider the Act about the Way of chusing Officers of State, &c. in case of her Majesty's Decease without Heirs of her Body, and after Debate upon the Clause for naming the said Officers, it was put to the Vote, if the Nomination of the Officers of State, &c. should be by the King in Parliament, with the Advice, Consent, and Approbation of the Estates, or if the Nomination should be by the Estates of Parliament; and carried that the Nomination should be by the Estates of Parliament.

Proceedings on several Points, by way of Provision, in case of the Queen's Death.

Moved, that the Nomination upon the Death of any of the Lords of Session or Justiciary, be in the same Manner as the Officers of State, and added to this Act. Moved also, that the same be considered by a separate Act, and after reasoning, agreed, that the Lords of Session and Justiciary be named in the same Manner as the Officers of State, and that the Commissions to be granted to them upon any Vacancy shall be during Life.

On the 21st the Parliament proceeded to the further Consideration of the Act, about the Way of chusing Officers of State, in case of her Majesty's Decease without Heirs of her Body, and moved, that a Clause be added, that in the Event aforesaid there be three Presidents of the Session chosen and named by the Parliament, to preside by Turns for the Space of two Months only, and after reasoning it was put to the Vote, add the Clause or not, and carried in the Negative. Then the Act being read, it was put to the Vote, approve the Act or not, and carried approve.

Some Days before, the following Draught of * Limitations was given in by Mr. Fletcher of Salton, upon which there were several Debates and Speeches.

Overtures for Limitations on the Successors of her Majesty deceasing without Heirs of her Body, who shall be likewise Kings of England.

I That Elections shall be made at every Michaelmas head Court for a new Parliament every Year, to sit the first of November next following, and adjourn themselves from

Mr. Fletcher's Draught of Limitations.

1705.

c

time

* These Limitations were both given into Parliament, and set forth in Print in 1703.

Anno 4 Anne, time to time till next *Michaelmas*. That they chuse their own President, and that every thing shall be determined by balloting in place of voting.

1705.



II. That so many lesser Barons shall be added to the Parliament, as there have been Noblemen created since the last Augmentation of the Number of Barons; and that in all Time coming, for every Nobleman that shall be created, there shall be a Baron added to the Parliament.

III. That no Man have a Vote in Parliament but a Nobleman or elected Member.

IV. That the King shall give the Royal Assent to all Laws offered by the Estates, and that the President of the Parliament be empowered by his Majesty to give the Royal Assent in his Absence, and have 10*l*. Sterling a Day Salary.

V. That a Committee of thirty one Members, of which six to be a *Quorum*, chosen out of their own Number by every Parliament, shall, during the Intervals of Parliament, under the King, have the Administration of the Government, be his Council, and be accountable to the next Parliament, with Power in extraordinary Occasions to call the Parliament together; and that in the said Council all Things be determined by balloting in the place of voting.

VI. That the King without Consent of Parliament, shall not have the Power of making Peace and War, or that of concluding any Treaty with any other State or Potentate.

VII. That all Places and Offices, both civil and military, and all Pensions formerly conferred by our King, shall ever after be given by Parliament.

VIII. That no Regiment nor Company of Horse, Foot, or Dragoons, be kept on foot in Peace or War, but by Consent of Parliament.

IX. That all the sensible Men of the Nation, between six'y and sixteen, be armed with Bayonets and Firelocks, all of a Calibre, and continue always provided in such Arms, with Ammunition suitable.

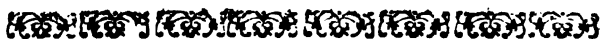
X. That no general Indemnity, nor Pardon for any Transgressor against the Public, shall be valid without the Consent of Parliament.

XI. That the fifteen Senators of the College of Justice, shall be incapable of being Members of Parliament, or of any other Office, or any Pension, but the Salary belonging to their Place to be increased as the Parliament shall think fit, tho' the Office of President be in three of their Number, to be named by Parliament, and that there be no extraordinary Lords; and also that the Lords of the Justice Court shall be distinct from those of the Session, and under the same Restrictions.

XII. That

XII. That if any King break in upon any of these Conditions of Government, he shall by the Estates be declared to have forfeited the Crown. Anno 5 Annæ, 1706.

On the 22d, the Parliament proceeded to consider the Act for triennial Parliaments considered. whether this Act should take Effect during the Queen's Reign, or not till the Reign of the Successor, it was put to the Vote, and carried that it should take Effect during her Majesty's Reign. Moved, that this Parliament continue only for one Year after the Date of the Act; and also moved, that it may continue for three Years after; being put to the Vote, it was carried that it may continue three Years. Moved, that by the Act all Farmers and Collectors of her Majesty's Custom and Excise, and Surveyors, be declared to be incapable to be chosen Members of Parliament. And approved, Then the whole Act being read, it was put to the Vote, approve or not, and carried approve.



PROCEEDINGS in the SCOTCH PARLIAMENT relating to the * UNION, 1706.

THE Commissioners of both Kingdoms having prepared a complete Scheme of an entire Union between the two Nations, some Particulars being only referred, to be settled by their respective Parliaments; when every thing was agreed to, they presented one Copy of the Treaty to the Queen, and each Side had a Copy, to be presented to their respective Parliaments, all the three Copies being signed by the Commissioners of both Kingdoms: It was resolved to lay the Matter first before the Parliament of Scotland, because it was apprehended it would meet with the greatest Opposition there. Accordingly, when the Scotch Parliament met, on the 3d of October, his Grace James Duke of Queensbury, her Majesty's High Commissioner, went to the Parliament House, attended by most of the Nobility, Barons and Members of Parliament, where his Grace's Commission was read and recorded as usual. After which, her Majesty's Letter to the Parliament was read as follows:

D. of Queensborough Lord High Commissioner.

ANNE R.


My Lords and Gentlemen,

" SINCE your last Meeting, we did nominate Commissioners to treat of an Union between our two Kingdoms to the Scotch Parliament.

e 2

* See an Account of the Proceedings of the Commissioners of both Kingdoms in CHANDLER's Hist. Anno 5 Annæ 1706, Page 474.

Anno 5 Annæ,
1706.



“ doms of *Scotland* and *England*, and by their great Care and
“ Diligence, a Treaty is happily concluded and laid before
“ us.

“ We have called you together as soon as our Affairs could
“ permit, that the Treaty may be under your Consideration,
“ in Pursuance of the Act made in the last Session of our
“ Parliament there; and we hope the Terms will be accep-
“ table to you.

“ The Union has been long desired by both Nations, and
“ we shall esteem it the greatest Glory of our Reign to
“ have it now perfected, being fully persuaded, that it must
“ prove the greatest Happiness of our People.

“ An entire and perfect Union will be the solid Founda-
“ tion of lasting Peace: It will secure your Religion, Li-
“ berty and Property, remove the Animosities among your-
“ selves, and the Jealousies and Differences betwixt our own
“ two Kingdoms: It must increase your Strength, Riches,
“ and Trade: And by this Union the whole Island, being
“ joined in Affection, and free from all Apprehension of
“ different Interests, will be enabled to resist all its Enemies,
“ support the Protestant Interest every where, and maintain
“ the Liberties of *Europe*.

“ We do upon this Occasion renew the Assurances, we
“ have formerly given you, of our Resolution to maintain
“ the Government of the Church, as by Law established in
“ *Scotland*, and the Acts of both Parliaments, upon which
“ this Treaty proceeded, having reserved their respective
“ Governments of the Church in each Kingdom; the Com-
“ missioners have left that Matter entire; and you have
“ now an Opportunity for doing what may be necessary for
“ securing of your present Church Government, after the
“ Union, within the Limits of *Scotland*.

“ The Support of our Government, and your own Safety
“ does require, that you do make necessary Provision for
“ maintaining the Forces, Ships and Garrisons, until the
“ Parliament of *Great Britain* shall provide for these Ends
“ in the United Kingdom.

“ We have made Choice of our trusty and right entirely
“ beloved Cousin and Counsellor, *James Duke of Queensbury*,
“ to be our Commissioner, and represent our Royal Person,
“ being well satisfied with his Fitness for that Trust, from
“ Experience we have of his Capacity, Zeal and Fidelity to
“ our Service, and the Good of his Country; which, as it
“ has determined us in the Choice, we doubt not but will
“ make him acceptable to you.

My Lords and Gentlemen,

“ It cannot but be an Encouragement to you to finish the
“ Union

“ Union at this time, that God Almighty has blessed our Arms, and those of our Allies, with so great Success, which gives us the nearer Prospect of a happy Peace, and with it you will have the full Possession of all the Advantages of this Union : and you have no Reason to doubt but the Parliament of *England* will do what is necessary on their Part, after the Readiness they have shewn to remove what might obstruct the entering on the Treaty. We most earnestly recommend to you Calmness and Unanimity, in this great and weighty Affair, that the Union may be brought to a happy Conclusion, being the only effectual Way to secure your present and future Happiness, and to disappoint the Designs of our and your Enemies, who will, doubtless, on this Occasion, use their utmost Endeavours to prevent or delay this Union, which must so much contribute to our Glory, and the Happiness of our People : And so we bid you heartily farewell.

Arms, Arms.
 1706.


Given at our Court at Windsor Castle, the thirty first Day of July, 1706 ; and of our Reign the fifth Year.

By her Majesty's Command.

The Letter being read, his Grace the Duke of *Queensbury*, her Majesty's High Commissioner, spoke as follows :

My Lords and Gentlemen,

“ Her Majesty, by her gracious Letter, has acquainted you, that the Treaty of Union between the Kingdoms of *Scotland* and *England* (pursuant to an Act made in your last Session) has been happily agreed on, which is now in my Lord Register's Hands, ready to be laid before you.

“ The Lords Commissioners for this Kingdom have been diligent and zealous in concerting just and reasonable Terms ; and it must be acknowledged, we meet with a very fair and friendly Disposition in the Lords Commissioners on the other Part.

“ The Treaty has, with all Humility, been presented to the Queen, and was most graciously received ; and tho' no Reign was ever so truly great, for wise and steady Councils, and so many important Successes, as that of her Majesty, yet, you see, she is pleased to esteem the perfecting of this Union, as the greatest Glory of her Reign, being the most solid Foundation of a lasting Security to the Protestant Religion, and the Liberties of *Europe*, and of Peace and Happiness to her People.

“ These Reasons, I doubt not, will make the Treaty acceptable to you ; and I persuade myself that you will proceed with such Calmness and Impartiality, as the Weight of the Subject requires, and as becomes so great an Assembly.

“ The

Anno 5 Annum.

1706.



should be read; as also the Minutes of the said Commissioners. And they ordered that all Records, relating to former Treaties between both Kingdoms, should be laid before the House; and that in the Intervals of Parliament, they should be seen in the lower Parliament, where some of the Lord Register's Servants were to attend. And the Articles of Union being accordingly read again, it was agreed, That the Parliament should proceed to the Consideration of them.

A Delay moved
for, but over-
ruled.

On the 15th, when they debated the Vote of the 12th, to proceed the Articles of the Union, or delay; the Country Party argued for a Delay: But being put to the Vote, it was carried Proceed, Yea's 116, No's 52; so that it was carried by 64.

On the 16th, they read the first eight Articles of the Treaty, and the Proceedings of the Commissioners relating to them; and on the 19th, the IXth, Xth, XIth, XIIth, XIIIth, and XIVth, were all severally read, with the Proceedings of the Commissioners in the Treaty relating to them; and were all discoursed on. Then the XVth Article was read, with the Proceedings relating to it: And after some reasoning, there arose a Debate about the Calculation of the Sums therein mentioned; which was adjourned till the next Meeting. The Calculations debated, were about the Equivalent of 398080 *l.* 10 *s.* to be granted to *Scotland*, for coming into several Customs, now payable in *England*, and applicable towards Payment of the Debts of *England*, contracted before the Union; according to the Proportions which the present Customs in *Scotland*, being 30000 *l.* *per Annum*, did bear to the Customs in *England*, computed at 1351559 *l.* *per Annum*; and which the present Excise in *Scotland*, being 33500 *l.* *per Annum*, bears to the Excise in *England*, computed at 947602 *l.* *per Annum*.

On the 22d, the Debate about the Calculation of the Equivalent of 398085 *l.* 10 *s.* was resumed; and after some Time spent upon it, it was agreed to name a Committee of three Persons of each State, to proceed and examine the said Calculation, and to report the same to the Parliament. Then several Paragraphs of the XVth Article were read again, and further argued on. The XVIth and XVIIth Articles were also read; and with the Proceedings of the Commissioners relating to them, were also argued upon. So was the XVIIIth Article, and the Proceedings relating to it, and after some Discourse upon it, the further Consideration of this Article was delayed till the next Sitting; the same Day several Members spoke to Equivalent and Trade in general, and to that of the *African Company* in particular: Upon the latter, there were two Motions made, one, that the Parlia-
ment

ment should insist upon a Compensation of all the Losses the *Darien Company* had sustained, since those Losses were occasioned by the undue intermeddling of *England*, as appeared by former Votes of the Parliament of *Scotland*. The other was, that seeing the Equivalent to be given to the Proprietors of the *African Company*, was not to be paid by *England*, but out of the *Scots Customs and Excise*, and therefore the Property of that Company ought to belong to the Kingdom of *Scotland*, as a National Company, and not be abandoned until the Nation saw a proper Occasion, and an adequate Price for it. Both these Motions, and several others of the like sort; were laid upon the Table, to be considered when the Articles to which they related were taken into Consideration.

Anno 5 Annæ,
1706.

On the 23d the XVIIIth Article of the Union was again read, when it was moved, that the *English Laws* concerning the Regulation of Trade, &c. to which *Scotland*, by virtue of the Treaty, was liable, be printed. Moved also, that the *English Book of Rates*, with the Abridgment of the Laws relating thereunto, be printed. Moved also, that it be remitted to a Committee of Parliament, to cause such of the said Laws to be printed as they shall see just; or to report to the Parliament. And after some Debate upon it, the further Consideration of it was delayed till the next Sitting.


On the 29th, the Day that the XIXth, XXth and XXIth Articles were read and debated; and that the XXIIth and XXIIIth was read, a Print was delivered to all the Members as they entered the House, which ran in these Words:

The *Lauder Instructions* read

Instructions by the Magistrates and Town-Council of the Burgh of *Lauder*, to their Commissioner in Parliament, in relation to the Union propos'd betwixt the Kingdoms of *Scotland* and *England*,

' At *Lauder* the 23d Day of *October*, 1706 Years, the which Day the Bailiffs and Town-Council of the Burgh of *Lauder*; being convened in Council within the *Tolbooth* of the said Burgh, having received a Letter directed to them from the Right Honourable Sir *Samuel Mackellellan*, Lord Provost of *Edinburgh*, dated the 15th Day of *October* Instant, calling and inditing a general Convention of the Royal Boroughs, to be holden and to sit at *Edinburgh* upon the 29th Day of this Instant *October*, and intreating to send a Commissioner to the said Convention, fully instructed, in relation to the Union. propos'd betwixt the Kingdoms of *Scotland* and *England*, &c. as the said Letter bears. And the said Letter, with the Articles of the said propos'd Union, being both verbatim publicly read, in presence of the Bailiffs and Coun-

Anno 5 Annæ,
1706.



cil and all the other Burgesſes, Inhabitants of the ſaid Burgh, allowed by the Bailiffs and Council in this ſo great Concern, to be there preſent, and to give their Opinions. It was unanimoſly agreed to by the Bailiffs and Council, with Conſent of their neighbouring Burgeſſes, that Sir *David Cunningham* of *Milncraig*, Knight and Baronet, and their Com- miſſioner and Representative in this preſent Parliament, ſhould be their Commiſſioner in the foreſaid general Con- vention of Boroughs, in the Terms of their Commiſſion of the Date hereof. And being fully convinced, that altho their Commiſſion for representing them in this current Parliament, be conceived in the moſt full and ample Terms imaginable, yet the ſame can never empower him to act or vote any thing, which may tend to the impairing or ſubverting, or altering any manner of way his Conſtituents Conſtitution, Rights or Privileges, without their particular and unanimous Conſent given him for that Effect. And having likewiſe ſeriously conſidered the ſeveral and particular Articles of the ſaid pro- poſed Union, and that they look upon themſelves as bound in Duty, at this time, to give their Opinion in relation to the Union propoſed, do therefore unanimoſly give it as their humble Opinion, that the deſolving the Powers of the *Scots* Parliament into the Hands of a ſmall number of Lords, Ba- rons and Boroughs, allowed by the ſaid propoſed Articles to fit and vote with the whole Lords and Commons of *England*, in a Parliament to be called the *Parliament of Great-Britain*, is diſhonourable and prejudicial to the Kingdom of *Scotland*, tending to the Deſtruction of their ancient Conſtitution, and all their Rights and Privileges, as a free People in general, and to every individual Perſon and Society within the ſame, eſpecially that of the Boroughs.

Therefore, unleſs it ſhall be firſt agreed to in this preſent Parliament, or any other before the ſaid Union, that the *Scots* Parliament ſhall continue in all time hereafter as for- merly, and the Laws and Subjects of *Scotland* ſhall be only ſubjected to the Wiſdom of a *Scots* Parliament, conſtituted according to the Laws of the ſaid Kingdom: The ſaid Bai- liffs and Council, with Conſent of their Burgeſſes, have em- powered, authorized and required, and hereby empower, authoriſe and require the ſaid Sir *David Cunningham*, their Commiſſioner in this preſent Parliament for them, and in their Names and Behalf, in open and plain Parliament, by his Vote to diſſent to, and diſapprove of all and every one of the Articles of the ſaid propoſed Union. And in caſe the ſaid Sir *David* ſhall not follow and obey theſe our In- ſtructions, we proteſt, that his Vote in the contrary thereof is null, being not only contrary to his Conſtituents their In- ſtructions,

structions, but likewise tending to the impairing and subverting of their Constitution and Privileges: But in case it shall be first agreed to, by this or any succeeding Parliament, that this and the succeeding Parliament shall continue as formerly, we then promise to give him, or any other our Commissioner for the Time, our particular Instructions, as to the other several Articles of the said proposed Union. And that this our Opinion and Proceedings may be made known to our Brethren the other Royal Boroughs, we have ordained these Presents to be publicly printed and dispersed among them. In Testimony whereof the said Sir *David Cunningham's* Commission to the Royal Boroughs, and these his Instructions to the Parliament, being subscribed by the Bailiffs in presence of, and at the Command of the Council, are extracted forth of the Town-Court Books of the Borough of *Lauder*, by *Mark Henderson*, Common Clerk of the same, and the common Seal of the said Burgh is hereunto affixed.

Anno 5 Anne,
1706.

Sic subscribitur,

M. Henderson, Clerk.

The same Day, Mr. *Fletcher* of *Salton* took the Freedom to Mr. *Fletcher's* say in Parliament, that the Interest and Honour of the Nation warm Assertion was betrayed by their Commissioners. This occasioned a Motion that he great Heat in the House, and it was demanded that he should might be called be called to the Bar; upon which several Members of all to the Bar. Ranks stood up to vindicate what he had said: And after a long Debate it was proposed, that he should explain himself. The Explanation which he gave was to this Effect, His bold Explanation. That he could find no other Name but Treachery to the acting of those Gentlemen: He did indeed acknowledge that the Word was harsh, but it was Truth; and if the House thought he had committed any Offence by the Expression, he was willing to submit to their Censure; upon which the Debate was let fall.

When the Articles about the Number of *Scots* Lords and Commons, that were to be admitted to the Parliament of *Great Britain*, and the Proceedings of the Commissioners relating to the same, were read, there were sharp Speeches on both Sides, particularly betwixt the Marquess of *Annandale* Marquess of *Annandale*, E. of *Stair*, Mr. *Fletcher*, and Earl of *Stair*, by Mr. *Fletcher* of *Salton*, the Lord Justice Clerk, and Sir *A. Home*. And the Duke of *Hamilton* Lord Justice Clerk, Sir *A. Home*, and Duke of *Hamilton*. concluded with one, wherein many Doubts were proposed about the *Quota* of the *Scots* Lords and Commons, and the yielding the Precedency of the *Scots* Peers, to all the *English* of the same Rank; to which no Answer was given, nor any Vote proposed that Night, so that they adjourned.

It must be owned that those who opposed the Union, left

Anno 5 Annæ,
1706.



no Stone unturned to carry their Point; they and their Emissaries talked of Addresses from all the Corners of the Kingdom against the present Scheme, wherein they pretended not to be against an Union, but against the Terms, as proposed in the present Articles; so that many of the Traders, who at first seemed fond of it, now imbib'd other Notions, and Pamphlets were spread about to persuade the Presbyterians, that this Scheme was contrary to their National and solemn League and Covenant, and that by the sacramental Test, which was established in *England*, they would be excluded from all public Posts in the Government of *Great Britain*: And others pretended to assure them, that if they made the Repeal of that Test a Condition of the Union, it would be complied with in *England*.

The Parliament having read the XXIVth and XXVth, being the two last Articles, on the 30th, they adjourned to November 1st.

The Parliament went thro' the first reading of the Articles of the Union, last Month, and on the first of *November* it was moved, that they should then proceed to the further and more particular Consideration of the Articles of Union, in order to approve or not, and to begin with, and read the first Article. Moved also, that the further Consideration of the Articles of the Union should be delayed for some considerable time, till the Sentiments of the Parliament of *England* concerning it be known; and that the Members of Parliament might consult those whom they represented. And after some Debate on those Motions, several Petitions and Addresses were presented, viz. One in the Name of the Barons, Freeholders, and others within the Shire of *Midlothian*: Another in Name of the Barons, Freeholders, and others within the Shire of *Linlithgow*: And three, in Name of the Barons and Freeholders of *Pertb-Shire*: All against allowing of an incorporating Union with *England*; and read and discoursed on. And thereafter, the Debate for Delay, on account of consulting of those whom the Members represented, and of knowing the Sentiments of the Nation, and the Procedure of the Parliament of *England*, was let fall, and agreed that the first Article of the Union should be read; but that it should be entire next *Sederunt* of Parliaments to debate whether or not the first Article should be concluded, by approving thereof, or not. Or if the Parliament might not, before concluding thereof, begin with and conclude any other of the Articles. And accordingly the first Article was read. The rest of the Day was spent in reading and reasoning on the Addresses; the Country Party argued, that the Union was a Matter of so great and general Concern, that it was not to be gone into with

Several Petitions against the Union read.

with Precipitation, and that there were many more Addres-
 ses coming, by which they would see the Inclinations of the
 Country, and of their Constituents. After this several other
 Proposals were offered as Preliminaries, before they should
 enter upon the Treaty; one of which was, that this King-
 dom should for ever be the Place of the Prince's Education
 and Residence; then there was a Debate, whether they should
 proceed immediately to the Consideration of the first Article
 of the Treaty, or the Security of the Kirk. This lasted till
 Night, and then the Parliament was adjourned till next Day,
 when accordingly they met, and had a very warm Debate,
 whether they should first secure the Kirk, or enter on the first
 Article. Much Time being spent in this, my Lord Register
 gave in a Resolve as the State of the Vote, that they should en-
 ter on the Article; but with this Proviso, that tho' it should
 be voted and approved, it should be no ways binding, except
 all the rest were agreed to. In opposition to this, it was
 proposed, that the State of the Vote should be simply, enter
 on the Article, or first secure the Kirk. A great many spoke
 for both States of the Vote; but being put to the Question,
 the Lord Register's was carried by a Majority of 38, and
 then approved by a greater Number. After this there were
 long and smart Speeches, *Pro* and *Con*, on the Subject, parti-
 cularly by the Lord * *Belhaven*, and Mr. *Fletcher of Salton*.

Anno 5 Annæ,
 1706.
 Preliminaries
 offered.

Debate on secu-
 ring the Kirk.
 Lord Register
 gives in a Re-
 solve.

Which is car-
 ried.

Farther Debate
 on the Security
 of the Kirk.

During the Debate, whether the Security of the Kirk, or
 the first Article for uniting both Nations into one Kingdom,
 under the Name of *Great Britain*, should have the Prefe-
 rence; it was urged, that according to the laudable Custom
 of this Kingdom, as appears by their ancient Acts of Parlia-
 ment, the Kirk had always the Preference to every thing
 else. But a Lord, when he found that the first Articles of
 the Treaty had the Preference, alluding, with respect to some
 who were of the opposite Side, to *Julius Cæsar's* Saying in
 the Senate, *Et vos etiam mei Filii?* And are you also against
 me, my Sons? There had been Endeavours likewise used in
 the Commission of the General Assembly, to possess them
 with Apprehensions of the Danger of the Kirk, from twenty
 six Bishops being in the Parliament of *Great Britain*, where
 the Kirk could have none to represent her, from the *English*
 sacramental Test, and for the Oath of Abjuration, by which
 they must approve that Part of the Limitations, which ob-
 liged the Sovereign to be of the Church of *England*, &c.
 Notwithstanding all which, it was criminal, by the Law of
England, to say, the Prince and Parliament had no Power to
 alter the Succession. Upon which they would have carried
 things;

Anno 5 Anno,
1706.

things in the Commission against an incorporating Union, but were prevented by the ruling Elders. And in order to make the Kirk easy, there were some who promised, that when the Article for an incorporating Union passed, they should have an irritant Clause to make the Union void, in case the Parliament of *Great Britain* should, in time to come, alter the present Government of the Kirk of *Scotland*. However, many of the Ministers and zealous Presbyterians expressed their Displeasure, that the Security of the Kirk had not the Preference. When the Vote was pressed for approving the first Article of the Union, a certain Duke spoke very boldly against putting it to the Vote, without giving the Members Time to consider of it, which, he said, was their Privilege: Upon this it was delayed till another Day.

On the 4th, the first Article of the Union was again read, and after some further Debate upon it, a Resolve was offered, and given in to the House by the Marquis of *Annandale*, as follows:

Resolve of the
Marquess of
Annandale.

‘Whereas it evidently appears, since the printing, publishing, and considering of the Articles of Treaty now before this House, this Nation seems generally averse to this incorporating Union, in the Terms now before us, as subversive of the Sovereignty, fundamental Constitution, and Claim of Right of this Kingdom, as now by Law established.

‘And seeing it is too evident, that, if any Union were agreed to in these Terms by this Parliament, and accepted of in the Parliament of *England*, it would in no sort answer the peaceable and friendly Ends proposed by an Union, but would, on the contrary, create such dismal Distractions and Animosities amongst ourselves, and such Jealousies and Mistakes betwixt us and our Neighbours, as would involve these Nations in fatal Breaches and Confusions.

‘Therefore resolved, that we are willing to enter into such an Union with our Neighbours of *England*, as shall unite us entirely, and after the most strict Manner, as in their and our Interests or Successions, Wars, Alliances and Trade, reserving to us the Sovereignty and Independency of the Crown and Monarchy, and the ancient Privileges and Immunities of the Kingdom, and the Constitution and Frame of the Government, both of Church and State, as they stand now, established by our fundamental Constitution, by our Claim of Right, and by the Laws following thereupon. Or,

Resolved, ‘That we will proceed to settle the same Successions with *England*, upon such Conditions and Regulations of Government within ourselves, as shall effectually secure the Sovereignty and Independency of this Crown and Kingdom,

dom, and indissoluble Society of the same, with the fundamental Rights and Constitutions of the Government, both of our Church and State, as the same stands established by the Claim of Right, and other Laws and Statutes of the Kingdom.' Anno 5 Annæ,
1706.

Which being read and debated, the Vote was stated, approve of the first Article of Union or not: But before the Vote, the Duke of Athol gave the following Protestation.

' I, *John Duke of Athol*, protest for myself, and all others, who shall adhere to this my Protestation, that an incorporating Union of the Crown of *Scotland* with the Crown of *England*, and that both Nations should be represented by one and the same Parliament, as contained in the Articles of the Treaty of Union, is contrary to the Honour, Interest, Fundamental Laws and Constitution of this Kingdom, the Birth-right of the Peers, the Rights and Privileges of the Barons and Boroughs, and *18* 130, Parl. 8 *Jas.* VI. by which it is ordained, that none of the Lieges presume or take upon them, to impugn the Dignity and Authority of the three Estates of Parliament, or to seek or procure the Innovation or Diminution of the Power and Authority of the said three Estates, under the Pain of Treason; and is contrary to the Claim of Right, Property, and Liberty of the Subjects; and the third Act of her Majesty's Parliament 1703, by which it is declared High-Treason in any of the Subjects of this Kingdom, to quarrel or impugn, or endeavour by writing, malicious and advised speaking, or other open Act or Deed, to alter or innovate the Claim of Right, or any Article thereof; And therefore do desire, that this my Protestation be marked in the Records of Parliament.

Duke of Athol's
Protestation against the
Union.

The same Day, a Note was stated in these Terms, ' Approve of the first Article of the Union, in the Terms of the Motion mentioned in the preceding Day's Minutes, *viz.*

First Article of
the Union approved.

That if the other Articles of Union be not adjusted by the Parliament, then the agreeing to, and approving of the First, shall be of no Effect; and that immediately after the said first Article, the Parliament will proceed to an Act for the Security of the Doctrine, Discipline, Worship and Government of the Church, as by Law established within this Kingdom: And it was carried approve in the Terms of the above Motion.'


The Act for Security of the Church, which was under Consideration of the Parliament on the 9th, ran thus:

' Our Sovereign Lady and the Estates of Parliament considering, that by the late Act of Parliament, for a Treaty with *England* for an Union of both Kingdoms, it is provided, that the Commissioners for that Treaty should not treat of,

Bill for the
Security of the
Scotch Church.

or

Anno 5 Annæ,
1706.



or concerning any Alteration of the Worship, Discipline and Government of the Church of this Kingdom, as now by Law established; which Treaty being now reported to the Parliament, and it being reasonable and necessary that the true Protestant Religion, as presently professed within this Kingdom, with the Worship, Discipline and Government of this Church, should be effectually and unalterably secured: Therefore her Majesty, with Advice and Consent of the said Estates of Parliament, doth hereby establish and confirm the said true Protestant Religion, and the Worship, Discipline and Government of this Church, to continue without any Alteration to the People of this Land, in all succeeding Generations; and more especially her Majesty, with Advice and Consent aforesaid, ratifies, approves, and for ever confirms the 5th Act of the 1st Parl. K. W. and Q. M. entitled, An Act for ratifying and confirming the Confession of Faith, and settling Presbyterian Church Government, with the haill other Acts of Parliament relating thereto, in prosecution of the Declaration of the Estates of this Kingdom, containing the Claim of Right, bearing date the 11th of *April*, 1689, And her Majesty, with Advice and Consent aforesaid, expressly provides and declares, that the foresaid true Protestant Religion, contained in the above-mentioned Confession of Faith, with the Form and Purity of Worship presently in use within this Church, and its Presbyterian Church-Government and Discipline, that is to say, the Government of the Church by Kirk-Sessions, Presbyteries, Provincial Synods, and General Assemblies, all established by the foresaid Acts of Parliament, pursuant to the Claim of Right, shall remain and continue unalterable; and that the said Presbyterian Government shall be the only Government of the Church within the Kingdom of *Scotland*.

And further, For the great Security of the foresaid Protestant Religion, and of the Worship, Discipline and Government of the Church as above established, her Majesty, with Advice and Consent foresaid, statutes and ordains, that, in all time coming, no Professors, Principals, Regents, Masters, or others bearing Office in any University, College, or School within this Kingdom, be capable, or be admitted or allowed to continue in the Exercise of the said Functions, but such as shall own and acknowledge the Civil Government, in manner prescribed by the Acts of Parliament. As also, That before, or at their Admissions, they do, and shall acknowledge and profess, and shall subscribe to the foresaid Confession of Faith, as the Confession of their Faith, and that they will practise and conform themselves to the Worship presently in Use in this Church, and submit themselves to the

the Government and Discipline thereof, and never endeavour, directly or indirectly, the Prejudice or Subversion of the same, and that before the respective Presbyters of their Bounds, by whatsoever Gift, Presentation or Provision, they may be there-to provided.

Anno 5 Annæ
1706.

And further, Her Majesty, with Advice aforesaid, expressly declares and statutes, that none of the Subjects of this Kingdom shall be liable to, but all and every one of them for ever free of any Oath, Test, or Subscription within this Kingdom, contrary to, or inconsistent with, the foresaid true Protestant Religion, and Presbyterian Church-Government, Worship, and Discipline as above established, and that the same, within the Bounds of this Church and Kingdom, shall never be imposed upon, or required of them in any sort. And lastly, That after the Decease of her present Majesty (whom God long preserve) the Sovereign succeeding to her in the Royal Government of this Kingdom, shall in all time coming, at his or her Accession to the Crown, swear and subscribe, that they shall maintain and preserve the foresaid Settlement of the true Protestant Religion, with the Government, Worship, and Discipline of this Church as above established, inviolably. And it is hereby statuted and ordained, that this Act of Parliament, with the Establishment therein contained, shall be held and observed, in all time coming, as a fundamental and essential Condition of any Treaty, or Union to be concluded betwixt the two Kingdoms, without any Alteration thereof, or Derogation thereto in any sort for ever. As also, That this Act of Parliament, and Settlement therein contained, shall be inserted and repeated, in any Act of Parliament that shall pass for agreeing and concluding the foresaid Treaty, or Union betwixt the two Kingdoms, and that the same shall be therein expressly declared, to be a fundamental and essential Condition of the said Treaty or Union in all Time coming.

On the 12th, the Parliament proceeded to the further Consideration of the Act for Security of the Kirk, &c within that Kingdom: And the Fourth Clause thereof being again read, it was moved, that a Clause should be added in these Terms: ' And that they shall be capab'e of any Office, civil or military, and to receive any Grant or Gift, and to have Command, or Place of Trust, from, and under the Sovereign, within any Part of *Great Britain*.' And after Debate thereon, it was put to the Vote, Add or Not; and it was carried Not, and the Clause, as it stood, agreed to. And then the third Clause of the Act was read; and being amended, was agreed to. Whereupon the whole Act was again read, as also the Representation of the Commission of the General Assembly;

Farther Consideration of the Act for the Security of the Kirk.

Anno 5 Anne,
1706.
Lord Belhaven's
Protestation.

and a Vote stated, Approve¹³⁴ of the Act or not; but before voting, the Lord *Belhaven* gave in a Protestation in these Terms; That he did protest in his own, and in Name of all them that should adhere to him, that this Act was no valid Security to the Church, in case of an incorporating Union; and that the Church could have no real and solid Security by any manner of Union, by which the Claim of Right is unhinged, our Parliament incorporated, and our distinct Sovereignty and Independency entirely abolished: Which being read, he took Instruments thereon, and adhered thereunto.

And Motion for
exempting Scots
Men from the
Test Act.

Then the Vote was put, Approve or not, and it was carried . Approve; and it was carried on the 14th, that the second Article of the Union should have the Preference, and be considered before any of those relating to Trade, Taxes, &c. But notice should have been taken before, that when on the 12th the Clause was offered by my Lord *Belhaven*, for exempting *Scots Men* from the Sacramental Test through all the Dominions of *Britain*, those who were against the Clause said it was a thing out of their Power, and not reasonable to suppose that *England* would grant. To which it was replied by those of the other Side, that the Design of an Union was Equality; but this was the greatest Inequality imaginable; for the *English* were free to possess Places in *Scotland* without any such Imposition, but they were excluded from Places in *England* without taking the said Test; and that tho' the *English* thought the Test a good Security for their Church, it was not reasonable, that they, being a Part of the same United Kingdom, and obliged to maintain the Presbyterian Government there, should therefore be excluded from the Prince's Favour in any Part of the United Kingdom. However, the Clause was thrown out by 39 Votes; and then the other Clauses being adjusted, the Act for the Security of the Church passed by a great Majority, many of the Cavaliers not thinking themselves concerned to vote in the Matter. The Duke of

The Dukes of
Hamilton and
Athol, Marquis
of Annandale,
Earls of Errol,
Marischal, Wig-
ton, &c. adhere
to Lord Belha-
ven's Protest.
Representation
of the general
Assembly.

Hamilton, the Duke of *Athol*, Marquis of *Annandale*, Earls of *Errol*, *Marischal*, *Wigton*, and others, adhered to the Lord *Belhaven's* Protestation, that the Act was no sufficient Security to the Church.

The Representation of the Commission of the General Assembly, representing the Increase of Popery, Profaness, &c. and craving the same might be restrained, and that the Succession to the Crown might be established in the Protestant Line, was read, and remitted to the Committee for calculating the Equivalent, to do therein as they found just.

Second Article
read.

Then the second Article was again read, and it was moved, that the Parliament should proceed to settle the Succession upon

upon Regulations and Limitations, in the Terms of the Resolution mentioned in the Minutes, the 4th Instant, and not in the Terms of the second Article of the Union. Moved also to address her Majesty, and to lay before her the Condition of the Nation, and the Aversion in many Persons to an incorporating Union; and to acquaint her Majesty of their Willingness to settle the Succession in the Protestant Line, upon Limitations; and in order thereunto, that some Recesse be granted. And after some Debate on those Motions, a Vote was proposed, Approve, the second Article of Union in the Terms of the preliminary Motion, or not; and after some farther Debate, there was a second State offered, Address or not. Then it was put to the Vote, Whether the first or second should be the State of the Vote, and it carried the first.

Anno 5 Annæ;

1705.

But it being moved, that some further Reasoning should be allowed before the Vote, after some Debate it was agreed, That the *English* Acts of Parliament in the second Article of Union be read, and that immediately after a Vote should be stated, proceed to call the Vote, or Delay. And accordingly the said *English* Acts of Parliament were read, and thereupon the Vote was stated, Proceed to call the Vote for approving the second Article; or Delay, and it was carried proceed. Then the Vote was put, Approve the second Article in the Terms of the preliminary Motion, yea or no.

But before voting, the Earl *Marischal* gave in the following Protest, whereby he did protest for himself, and all those who should adhere to this Protestation, " That no Person can be designed a Successor to the Crown of this Realm, after the Decease of her Majesty (whom God long preserve) and failing Heirs of her Body, who is Successor to the Crown of *England*, unless that in this present Session of Parliament, or any other Session of this or any ensuing Parliament, during her Majesty's Reign, there be such Conditions of Government settled and enacted, as may secure the Honour and Sovereignty of this Crown and Kingdom, the Freedom, Frequency and Power of Parliament, the Religion, Liberty and Trade of the Nation, from *English* or any foreign Influence; which being read, he took Instruments thereon.

E. Marischal's
Protest against
the second Article
of the Union.

And it was agreed, that the List of the Members shall be printed as they vote, Approve or not, and they who adhere to the Protest should be marked. Then the Vote was put, Approve or not, and it was carried approve.

Second Article
carried.

The third Article being read on the 18th, it was moved, That the agreeing to the third Article of the Treaty, in relation to the Parliament of *Great Britain*, should not be binding, nor have any Effect, unless Terms and Conditions of an

Proceedings about the third
Article.

Anno 5 Annæ,
1706.



Union of the two Kingdoms, and particularly the Constitution of the said Parliament, be finally adjusted and concluded, and an Act pass thereupon in the Parliament, and that the said Terms and Conditions be also agreed to, and ratified by an Act of the Parliament of *England*, the Constitution of the Parliament of *Great Britain* being left entire, until the Parliament come upon the twenty-second Article. It was moved also to proceed to the Consideration of the fourth, and other Articles of Union, before the third; and after reasoning it was put to the Vote, Proceed to the Consideration of the third Article in the Terms of the said Motion, or proceed to the fourth Article, and carried, Proceed to the third.

Accordingly the Parliament proceeded to the Consideration of the third Article, and after long Debate upon it, a Vote was stated, Approve of the third Article in the Terms of the said Motion or not.

Marquis of An-
nandale's Pro-
test.

But before voting, the Marquis of *Annandale* gave a Protest, and craved that the Narrative of the Resolve, inserted in the Minutes of the 4th Instant, might be prefixed thereunto; which Narrative and Protest is as follows, *viz.* 'Whereas it evidently appears, since the printing and considering the Articles of Treaty now before this House, this Nation seems generally averse to this incorporating Union, in the Terms now before us, as subversive of the Sovereignty, fundamental Constitution, and Claim of Right of this Kingdom, and as threatening Ruin of this Church as by Law established: And since it is plain, that if an Union were agreed to in these Terms by the Parliament and accepted of by the Parliament of *England*, it would in no sort answer the peaceable and friendly Ends proposed by an Union, but would, on the contrary, create such dismal Distractions and Animosities amongst ourselves, and such Jealousies and Mistakes betwixt us and our Neighbours, as would involve these Nations in fatal Breaches and Confusions.

'Therefore I do protest for myself, and in Name of those who shall adhere to this my Protestation, that an incorporating Union of the Crown and Kingdom of *Scotland*, with the Crown and Kingdom of *England*, and that both Nations be represented by one and the same Parliament, as contained in the Articles of the Treaty of Union, and contrary to the Honour, Interest, fundamental Laws and Constitutions of this Kingdom, is a giving up the Sovereignty, the Birthright of the Peers, the Rights and Privileges of the Barons and Burghs; and is contrary to the Claim of Right, Property, and Liberty of the Subjects, and 3d Act of her Majesty's Parliament in 1703. By which it is declared High Treason in any of the Subjects of this Kingdom, to quarrel, or endeavour by writing, malicious and advised speaking

speaking, or other open Act or Deed; to alter or innovate the Claim of Right or any Article thereof: And do protest, that this shall not prejudice the Being of future *Scotch* Parliaments, and Conventions within the Kingdom of *Scotland*, in no Time coming.

Anno 5 Anne,
1706.



Then the Vote was put, Approve of the III^d Article in the Terms of the Motion, and carried, Approve by 30.

Third Article approved.

It was late before the House rose, and the Mob was rude to the Lord High Commissioner: for, in his Return, though the Horse-Guards were round his Grace's Coach, and some of the Foot-Grenadiers betwixt the Coach and Horse-Guards, the Mob threw Stones from several Corners, some of which fell into his Coach, and the Mob pressed so hard upon the Coaches, that they were forced to drive full speed down the Streets; and one of his Grace's Pages falling behind, was very ill treated by the Populace. Upon which, on the 19th, the Lord Chancellor acquainted the Parliament, that the Lord High Commissioner was insulted the Night before, by a Number of mean People with Stones. The Parliament remitted it to the Committee for examining the Equivalent, to indentify and give Reward for Discovery, to seize and imprison any whom they suspected, and to report their Information, and their Opinion what Measures might be proper for preventing the like. The Parliament did likewise recommend to the Lord High Constable, to prosecute those imprisoned for a former Tumult, and that the Magistrates of *Edinburgh* furnish what Proof against them they could. On the 19th it was

The Lord High Commissioner insulted by the Mob.

Complaint made thereof in Parliament by the Lord Chancellor.

moved, that the Parliament proceed to the IVth Article of the Union: Then the Duke of *Arbol* moved, that before they proceed to the said Article, a Clause be added to the III^d Article, That the said Parliament of *Great-Britain* should meet and sit once in three Years at least, in that Part of *Great Britain*, now called *Scotland*: And after Debate, the Consideration of it was delayed till the Parliament should come to the XXII^d Article. Then the IVth Article of the Union was read: upon which the Duke of *Hamilton* made a Motion, that all the Regulations and Restrictions of the *English* Trade, the Privileges of their Companies, &c. should be laid before the House; upon which the Debate was by Consent adjourned till next *Sederunt*.

Duke of Arbol's Motion that the Parliament might be held once in three Years in Scotland.

The IVth Article of Union was again read: Whereupon it was moved, to take the several Branches of Trade to be communicated, into Consideration, that it might thereby appear how far the Communication of Trade would be advantageous to them; and after reasoning thereupon, the Vote was started, Approve of the IVth Article, reserving the Consideration of the several Branches of Trade, till the Parliament concert the subsequent Articles, Yea or Not: And it

IVth Article approved of.

was

Apno 4 Auger
1706.



Th. V. L. Ar-
tic. 12. d.

was agreed, that the Members shall be marked, as they shall vote, Approve or not ; and that the List of their Names, as they shall vote *pro* and *con*, be recorded and printed. Then the Vote was put, Approve or not ; and it was carried *Approve*.

Then the Vth Article of the Union was read, whereupon a Proposal was given for explaining and enlarging the same, in these Terms ; ' That all Ships, or Vessels belonging to her Majesty's Subjects of *Scotland*, at the Time of ratifying the Treaty of Union of the two Kingdoms in the Parliament of *Scotland*, though foreign built, shall be deemed and pass as Ships of the building of *Great Britain* : The Owner, or where there are more Owners, one or more of the Owners, within twelve Months after the Union, making Oath, that, at the Time of ratifying the Treaty of Union in the Parliament of *Scotland*, the same did in Whole or in Part belong to him or them, or to some other Subject or Subjects of *Scotland*, to be particularly named, with the Place of their respective Abode ; and that the same doth then, at the time of the said Deposition, wholly belong to him or them : And that no Foreigner, directly or indirectly, hath any Share, Part, or Interest therein.'

An Amend-
ment offer'd.

Which being read, it was moved, that six Months more Time should be added to the Time allowed, by the Proposal, for purchasing Ships or Vessels. And after some reasoning upon it, the further Consideration thereof was delayed till next sitting, which was on the 23d. when the Vth Article of Union was again read, with the Proposal for amending, explaining and enlarging the same, inserted in the former Days Minutes, and rectified thus, viz. ' That all Ships or Vessels belonging to her Majesty's Subjects of *Scotland*, at the time of ratifying the Treaty of Union of the two Kingdoms in the Parliament of *Scotland*, though foreign built, shall be deemed and pass as Ships of the building of *Great Britain* : The Owner, or where there are more Owners, one or more of the Owners, within twelve Months after the first Day of *May* next, making Oath, that at the time of ratifying the Treaty of Union in the Parliament of *Scotland*, the same did in All or in Part belong to him or them, or to some other Subject or Subjects of *Scotland*, to be particularly named, viz. the Place of their respective Abodes ; and that the same doth then, at the time of the said Deposition, wholly belong to him or them ; and that no Foreigner, directly or indirectly, hath any Share, Part, or Interest therein.'

And after some reasoning thereon, there was a second Proposal given in for the amending the Article, in these Terms, by the Lord *Belhaven*, ' That all Ships and Vessels belonging to her Majesty's Subjects of *Scotland*, at the Time of ratifying

Another by the
Lord *Belhaven*;

tifying the Treaty of the Union of the two Kingdoms, in the Parliaments of both Kingdoms, shall, &c.' And after some Debate, the Vote was stated, Approve of the first Paragraph of the Vth Article, with the first Amendment or second; and it was carried, Approve, with the first Amendment.

Anno 5 Anne,
1706.

Thereafter, the Remainder of the said Vth Article of Union was read, and a Proposal given by his Grace the Duke of Hamilton, for adding a Clause in those Terms, ' That for the Space of seven Years, from and after the concluding the Treaty of Union in both Kingdoms, it is expressly agreed, that none of the Seamen or Mariners, on board any of the Ships belonging to the Subjects of that Part of united Britain now called Scotland, shall either at Home or Abroad be pressed from on board their said Ships, to serve in any of her Majesty's Ships of War, or Frigates; And in case, after the said seven Years, it shall happen that there be a Levy of Seamen in united Britain, that Part now called Scotland shall only be burdened with such a Proportion as our Taxes bear, in proportion to that Part of united Britain now called England, but without Prejudice to the Officers of her Majesty's Ships or Fleet, to engage as many volunteer Seamen in their Service as they can agree with, in this Part of united Britain; and this Article to be unalterable by any subsequent British Parliament.' Which being read, after some reasoning thereupon, it was put to the Vote, Add the second Clause, or not; and it was carried Not. Thereafter the Remainder of the said Vth Article being again read, the Vote was put, Approve thereof, or not; and it was carried Approve. Then the Lord Chancellor, by Order of her Majesty's High Commissioner, adjourned the Parliament till Tuesday next at ten o'Clock.

A Clause offered
by the Duke of
Hamilton.

Vth Article
passed.

On the 26th, the VIth Article of Union was read; and after reasoning thereon, it was moved, ' That there should be a Scheme laid before the Parliament, of the whole Branches of their Trade, as to Export and Import: And after some further Debate, a Proposal was given in, viz. ' That the Article should be agreed to, except in so far as it should be rectified by the Parliament, in the Consideration of the subsequent Articles.' As also another Proposal was given in, ' That seeing by the Laws of England there were Rewards given upon Exportation of several kinds of Grain, where- in Oats was not specified, that after the Union when Oats should be at 15 s. per Quarter, or under, there should be paid 2s. 6d. for every Quarter of Oat-Meal, exported in the Terms of the Laws, whereby the Terms were granted for Exportation of the Grains; and in respect there was a Duty upon Oats imported into England, but no Duties upon Oat-Meal,

VIth Article
read.

Anno 5 Annæ,
1706.



Meal, the importing of which was a Prejudice and Discouragement to Tillage : Therefore, that from and after the Union, the Quarter of Oat-Meal should be deemed equal to three Quarters of Oats, and pay Duty accordingly when imported to *Scotland* from any Place whatsoever from beyond the Sea.' Which being all read, after reasoning, it was moved, ' That the Observations, in relation to the Balance of Trade, should be laid before the Parliament, as made by the Council of Trade.' And after Debate thereon, the further Consideration was delayed till the next Sitting ; and it was ordered, ' That the Observations made by the Council of Trade, be laid before the Parliament.'

Debates there-
on.

Duke of Ha-
milton,
Marquess of
Annandale.

During the Debate on the VIth Article, which brings them under the same Customs with *England*, it was argued by some Members, ' That it was hard to enter upon such a general, until they understood the several Branches of their Trade, and how they agreed with the Impositions of *England*.' This Point was argued by the Duke of *Hamilton*, Marquess of *Annandale*, &c. The Marquess argued, ' That in the Treaty of 1602, they were allowed to be under their own Regulations, and to have a Book of Rates for themselves ;' upon which many of the Members thought it hard they should not be allowed the same now. And it being also urged, ' That the Committee of Parliament, appointed for a Council of Trade last Session, had prepared an Account of the several Branches of their Trade, and where the Balance lay ;' it was ordered, that this Report should be laid before the House.

On the 27th, the VIth Article of Union was again read, and a Proposal given in for adding the Word (*Draw-backs*) to both Clauses of the said Article : Which was agreed to.

And the said Article also amended was again read, as also the Proposal mentioned in the last Minutes, in relation to Oats and Oat-Meal ; with the Addition of a further Clause, in these Terms, ' And that the Beer of *Scotland* should have the like Rewards and Draw-backs as Barley.' And it was likewise moved, ' That another Clause should be added, allowing the like Draw-back on the Exportation of Oat-Meal, as is allowed on the Exportation of Rye in *England*. And after Debate, it was agreed, That the VIth Article, with the Proposals for Amendments, should be remitted to a Committee.'

Several Clauses
offered.

Then was a Clause offered to be added to the said VIth Article, thus ; ' But *Scotland*, for the Space of ——— Years after the first Day of *May* next, shall be free from, and no ways subject to the Prohibitions and Restrictions made against exporting of Wool-Skins with Wool upon them, and Woolen-

Woollen-Yarn, which by the Oaths of the Seiler and Buyer Anno 5 Annæ,
1706.
shall be made appear to be the proper Growth and Product of *Scotland*, and spun within the same, which shall no ways be comprehended under any of the Laws already made in *England*, or to be made during the Space aforesaid.

As also a Clause thus; ' Excepting and reserving the Duties upon Export and Import of such particular Commodities, from which the Subjects of either Kingdom are specially exempted by their private Rights, which, after the Union, are to remain safe and entire to them in all respects.'

And another Clause thus, ' That after the Union all sorts of *Scots* Linnen, or any kind of Cloth made of Flax or Hemp, be exported out of the united Kingdom, free of all Customs or other Impositions whatsoever.'

And another thus, ' That before the Union we may now have such a Draw-back adjusted, as may enable us to export Beef, Pork and Butter, to the *West Indies*, and other Foreign Parts, which will be one considerable Branch of our Trade after the Union.'

And another Clause thus, ' That from and after the Union, all Duties or Bounty Tolls, or other Exactions upon black Cattle, or any other Product of *Scotland*, when carried into *England*, or Product of *England*, when carried into *Scotland*, payable either to the public or private Persons, shall in all time coming be void and null.'

And another Clause in these Terms, ' That from and after the Union, the Kingdom of *Scotland* shall have Liberty for ever to manufacture Plaides, Fingram, Galloway, Whites, Serges, Stockings, and all sorts of Linnen, as they have been in use to do, conform to the Regulations contained in their own Laws, and to export, the same to *England*, or the Dominions and Plantations thereunto belonging, or to any other Place beyond Seas, free of any Duty or Imposition whatsoever; but in case any of the Subjects of that Part of united *Britain*, now called *Scotland*, shall export any other sort of Woollen Manufacture than what is above mentioned, they are to be liable to the Regulations and Taxes of *England*, imposed before the Union, or to be imposed by the *British* Parliament after the Union;' all which were remitted to the Committee for examining the Calculation of the Equivalent.

And remitted
to the Com-
mittee for the
Equivalent.

Then the VIIth Article of Union was read, and being debated on the 28th, a Proposal was made for an Explanation or Addition thus, ' That the 34 Gallons *English* Barrel of Beer or Ale, amounting to 12 Gallons *Scots*, present Measure sold in *Scotland* by the Brewer at 9s. 6d. sterl. excluding all Duties, and retailed including Duties; and the Retailers Profit at 2d. per *Scots* Pint, or eighth Part of the *Scots* Barrel,

Anno 5 Anne,
1706.



Barrel, be not, after the Union, liable, on account of the present Excises upon exciseable Liquors in *England*, to any higher Imposition than two Shillings sterling upon the 34 Gallons *English* Barrels, being 12 Gallons the present *Scots* Measure.

And another Clause being likewise offered thus, ' And it is hereby specially provided, that the two penny Ale and Beer of *Scotland*, shall be only charged with the same Excise as the Small-beer in *England*.

And in part
carried.

After some Debate, the Vote was stated, ' Approve of the VIIth Article, as to the Excise of Ale and Beer, with the Explanation as contained in the first or last Clause above-mentioned.' And carried for the first.

On the 29th it was moved, That the Observations made by the Council of Trade, in relation to the Export and Import of this Nation and Balance of our Trade, should be laid before the Committee, to whom the sixth Article of the Union was remitted, and the same was accordingly ordered. As also the Clerks of the said Council of Trade, were ordered to transmit to the said Committee, all Observations, Papers and Records relating thereunto.

Tumult in Glas-
cow, &c. com-
plained of by the
Lord Chancel-
lor.

Then the Lord Chancellor acquainted the Parliament, that the Secret Council, at their last Meeting, had under their Consideration, several Accounts of irregular and tumultuary Meetings, by some People of the common and meanest Degree, in Arms; and of Abuses committed by them at *Glasgow*, *Kirkcubright* and *Dumfries*, and several Places of *Lanarkshire*; and that there were Papers dropt, inviting People to take up Arms, and to provide Ammunition and Provisions, in order to their marching to disturb the Parliament. All which he was directed by the Secret Council to lay before the Parliament, to the Effect, proper Methods might be resolved upon, for preventing the evil Consequences of such Practices: After which he presented a Letter from the Magistrates of *Dumfries* to her Majesty's Advocate, bearing an Account of the Abuses and tumultuary Meetings in that Place, with a Declaration emitted by those who met, which was affixed on the Market-Cross of *Dumfries*, and both were read.

Whereupon a Draught of a Proclamation, to be emitted by the Parliament against all tumultuary and irregular Meetings, and Convocation of the Lieges, was presented and read. And after some Discourse thereupon, it being objected, that it did not appear that there was a particular Information of any tumultuary Meetings, or irregular Convocations in any other Part of the Shire of *Lanark*, than at *Glasgow*: Her Majesty's High Commissioner thereupon was pleased to notify

to them, that he had Information not only from *Glasgow* and *Anno 5 Anna, Dumfries*, but also from several Places in *Lanarkshire*, of tumultuary and irregular Meetings of Men under Arms, and of their giving out and publishing their Design of marching to disturb the Parliament. 1706.

The Proclamation being approved of, the Draught of an Act suspending the Effect of that Clause in the Act of Security, for arming and exercising the sensible Men, past in the Second Session of this Parliament; and that during this Session of Parliament aenarly, was read and past on the 30th, and the same, and the Proclamation mentioned before, were ordered to be forthwith published and printed. Proclamation thereon.

Then the VIIth Article of Union was again read, and after some reasoning upon that Part thereof, not formerly approved, it was put to the Vote, Approve of the rest of the VIIth Article, or not, and carried Approve. VIIth Article wholly approved.

A Print was then given in, entitled, * *An Account of the burning of the Articles of Union at Dumfries*, bearing the Declaration read and affixed at the Market cross thereof, by the Tumult assembled on that Occasion: And it being moved, that Enquiry be made, who had been the Printer and In-giver of the said scurrilous Paper, and that the Print be burnt by the Hands of the Hangman: It was remitted to the Committee, to whom the VIth Article of Union was remitted, to call for the Magistrates of *Edinburgh*, and to take Trial and make Enquiry anent the Printer and In-giver of the said Paper. They ordered also, that the said scurrilous Print should be burnt by the common Hangman. The Account of the burning the Articles of the Union at Dumfries, complained of.

The XVth Article being read, on the 7th of *December* the Report was brought in from the Committee for examining the Calculation of the Equivalent, being as follows: Ordered to be burnt by the common Hangman.

The Committee of Parliament, to whom the considering of the Calculation of the Equivalent was remitted, having considered the Report made to them by Dr. *James Gregory*, Professor of the Mathematics in the College of *Edinburgh*, and the Report made by Dr. *Thomas Bower*, Professor of the Mathematics in the College of *Aberdeen*, of their several and respective Examinations of the Calculations and Grounds thereof; whereupon the Commissioners, in treating the Article for establishing the Equivalent mentioned in the Article, say it is just, and the Calculation is exact, and well founded in the Terms, and in Manner expressed in the said Article. Whereupon it was proposed to delay the Consideration of the said XVth Article, until Reports be brought in, The XVth Article read.

A Delay proposed.

Anno 5 Annæ
1706.



relation to the VIth and VIIth Articles from the Committee, to whom the said Articles were remitted.

And after Debate upon it, it was agreed, that the Proceeding on the XVth shall not be understood to be any Determination of the VIth or VIIth Articles that stood committed; but that the Reasoning and Voting on the VIth or VIIth Articles, shall be entire.

Then a State of a Vote was offered in these Terms, Approve of the first Paragraph of the XVth Article, or not.

But it being moved, that the Parliament first consider, whether they should be concerned in the Payment of the *English* Debts. A second State was thereupon offered, whether they should engage in the Payment of the Debts of *England*; yea or no.

And after some Reasoning on it, it was put to the Vote which of the two should be the State of the Vote, first or second.

Lord Belhaven's
Protest against
being concerned
in the *English*
Debts,

And the Lord *Belhaven* gave in a Protest as follows: ' I do protest in my own Name, and in the Name of all those who do adhere to this my Protest, that the voting and agreeing to the first Clause of the XVth Article of the Treaty of Union, does no ways infer any manner of Consent or Agreement, that *Scotland* should be liable to the *English* Debts in general; but that it may be lawful to object against any Branch of the said Debt not already determined, and he took Instruments upon it, and adhered thereunto.'

Then the Vote was put first or second, and it was carried first. Thereafter it was put to the Vote, Approve of the first Clause or Paragraph of the XVth Article or not, and carried Approve.

VIth Article
passed.

The VIth Article admitted of many Debates, but was at last, on the 16th, passed with several Additions, Enlargements and Explanations; but before, *viz.* on the 12th, the Parliament ordered, that a scurrilous Print, entitled, Queries to the Presbyterian Noblemen, Barons, Burgessees, Ministers and Commoners in *Scotland*, who are for the Scheme of an incorporating Union with *England*, according to the Articles agreed upon by the Commissioners of both Nations, be burned by the Hands of the common Hangman at the Market Cross of *Edinburgh* To-morrow, between eleven and twelve of the Clock, and the Magistrates of *Edinburgh* appointed to see the same punctually done. And remitted to the Committee of Parliament, to whom the VIth and VIIth Articles of Union were remitted, to make Enquiry after the Printer, Author, and In-giver of the said scurrilous Paper.

And on the 16th a scurrilous Print, asserting the Dependency of the Crown and Kingdom of *Scotland* upon that of *England*,

England, was brought in, and several Paragraphs thereof being read, Ordered that the same be burnt by the Hands of the common Hangman, at the Market Cross of *Edinburgh* next Morning. The VIIIth Article of the Union took up the Parliament's Time from the 17th to the 26th, when it was approved with the several Alterations, Additions and Enlargements made unto it; they went thro' the XVth Article on the 30th, and passed it.

The XVIth and XVIIth Articles were approved of on the 30th: Then the XVIIIth Article was read, and a Motion was made for making an additional Clause to it, in these Words; ' And that in making any such Laws, special Regard be had to Overtures to be presented to that Parliament by the Lords of Sessions of *Scotland*.' And after further Reasoning, an Overture was given in for adding another Clause in these Terms; ' That all *Scotchmen* be exempted from the *English* Sacramental Test, not only in *Scotland*, but in all Places of the United Kingdom and Dominions thereunto belonging; and that they be declared capable of Offices throughout the whole, without being obliged to take the said Test.' And after Debate, it being moved, ' That it was not now entire to add the said Clause in relation to the Sacramental Test, in respect of the Vote of Parliament of the 12th of *November* last, against adding the like Clause:' After some further Discourse thereon, it was agreed, ' That the same should be put to the Vote, and that the Members Votes be marked, and the List of their Names, as they should vote, be printed and recorded, as usual.'

Then the Vote was put, whether it was entire to add the Clause, or not? And it carried, not: And so it was approved of.

The *Scotch* Parliament, on the 2d of *January*, passed an Act for adjourning the Session or Term one Month longer; and then proceed on the XIXth Article, to the first Clause whereof they agreed with a Stipulation, that the Lords of the Session should, for the future, be taken from among the Advocates and Writers to the Signet (which was carried by thirteen Votes only) and none to be deemed capable, that had not practised the Law at least five Years for the former.

The next Day, a Motion was made for an additional Clause, in relation to the Qualification of Writers, *viz.*, ' With this Provision, that no Writer to the Signet be capable to be admitted Lord of the Session, unless he undergo a private and public Trial in the Civil Law before the Faculty of Advocates, and be found by them qualified for the above-said Office, two Years before they shall be named to be a Lord of the Session. After Reasoning, the Vote was stated, add

Anno 5 Anne,
1706.

A Pamphlet asserting the Dependence of *Scotland* upon *England*, burnt by the Hangman.

VIIIth and XVth Articles passed.
XVIth, XVIIth, and XVIIIth Articles passed.

Anno 5 Annæ
1706.



The XIXth
Article approv'd

add or not : But before voting, it was moved, that the Qualifications made, or to be made for capacitating Persons to be named ordinary Lords of the Sessions, shall be alterable by the Parliament of *Great Britain*; and after Debate, it was put to the Vote, and carried alterable, by 60.' Then the Vote was put, to add the Clause about the Qualification of Writers, and it was carried, add. The other Clauses of the XIXth Article being read, and debated, the whole, as amended, was approved.

The 4th was spent in private Affairs; for which, the Lord Chancellor, by Order of the High Commissioner, acquainted the House, that two other Days should be appointed in this Session.

The XXth and
XXIst Article
approved.

The XXIIId
Article debated.

On the 6th, the XXth Article, with the Addition of the Word *Superiorities*, and the 21st, without any Amendment, were approved; and the next Day the XXIIId Article was read; and afterwards, the first Paragraph in relation to the Number of Representatives for *Scotland* in the Parliament of

Protests thereon
by Lockhart of
Carnwarth, the
D. of Athol,
E. of Buchan,
E. of Errol,
Earl Marischal,
and Stewart of
Linlithgow.

Great-Britain, was read over again. After a long Debate a Vote was stated, Approve of the first Paragraph of the said Article or not; but before voting it was agreed, that the Names of the Members as they voted should be printed and recorded; and *George Lockhart of Carnwarth*, Duke of *Athol*, Earl of *Buchan*, Earl of *Errol*, Earl *Marischal*, and *Walter Stewart*, for the Town of *Linlithgow*, gave in fix several Protests, and took Instruments thereof separately. Then the Vote was put, Approve of the first Paragraph of the XXIIId Article, or not, and it was carried, Approve, by forty. The second Paragraph of the said Article, about the calling the Representatives from *Scotland* to the Parliament of *Great-Britain*, beginning thus, (' And that when her Majesty. &c.') and ending thus, (' That the Names of the Persons so summoned, and elected, shall be returned by the Privy-Council of *Scotland*, into the Court from whence the said Writ did issue,) was again read; and after some Debate, an Amendment was offered to be added, after these Words, (according to the Agreement in this Treaty) viz. ' In such manner, as by a subsequent Parliament Act, of this present Session of the Parliament of *Scotland*, shall be settled, which is hereby declared to be also voted, as a Part of, and engrossed in this Treaty; and after further reasoning, it was moved, that the way and manner of choosing the Representatives for *Scotland*, to the Parliament of *Great-Britain*, should be determined; and that a Clause to that Purpose be engrossed in this Article: After Debate the Vote was stated, Approve of the second Paragraph of the 22d Article, as amended by the above additional Clause,

yes

yea or not; whereupon it being moved, to delay the said Anno 5 Anna, 1706.
Vote till next sitting of Parliament, a previous Vote was stated, Proceed, or delay; and it was carried, Proceed.

Then it was put to the Vote, Approve of the said 2d Paragraph of the XXIIId Article with the Amendment in the additional Clause above inserted, or not. The Clause with the Amendments being again read, the Earl of *Abercorn* gave Protest by the in a Protest, and took Instruments thereupon. At last, the Earl of *Abercorn* Vote was put, Approve, or not, and it was carried, Approve.

On the 8th it was moved, that the four Protests given in the former sitting by the Duke of *Arbol*, Earl of *Buchan*, *George Lockhart* of *Carnwath*, and *Walter Stewart*, ought not to be inserted in the Minutes, nor printed; and after some reasoning the Earl of *Marchmont* gave in a Protest against the said four Protests, took Instruments thereupon, and the Lord Chancellor, the Marquess of *Montrose*, President of the Council, the Duke of *Argyle*, the Marquesses of *Tweeddale* and *Lothian*, and most of the well-affected to the Union, adhered thereto. The next Day the Lord *Balmerino* gave in a Protestation against that of the Earl of *Marchmont*, took Instruments thereupon, and the Duke of *Hamilton* and his Party adhered to the same. After some further Debate it was agreed, that none of the said Protests should be inserted at length, in the Minutes, or printed; but that they should be all inserted in the Records of Parliament.

Motion against the Protests above-mentioned.

And Protest against the said Protests to the E. of *Marchmont*, &c.

Which again is protested against by Lord *Balmerino*, &c.

Com-promise thereon.

Then the 3d Paragraph of the XXIIId Article, beginning, viz. 'And that if her Majesty, on, or before the first Day of *May* next, &c. and ending thus, viz. And that the Parliament may continue for such Time only, as the present Parliament of *England* might have continued, if the Union of the two Kingdoms had not been made, unless sooner dissolved by her Majesty, was read: And after Reasoning thereon, it was moved, to add the following Clause, viz. 'And that the said Parliament of *Great Britain* shall meet, and sit, once in three Years, at least, in that Part of *Great Britain* now called *Scotland*. After further Debate, there were two States of the Vote offered, the first, 'Approve of the third Paragraph of the XXIIId Article or not; and the second, 'Add the above Clause or not; and the Vote being put, first or second, it was carried first: Afterwards the Vote was put, Approve of the 3d Paragraph of the said Article, or not, and it was carried, Approve. Then the rest of the said Article was read, and after some Reasoning, and reading of the Oaths to which it related, an Overture was given in for an additional Clause, for explaining the Word *Limitation*, mentioned in the Oath appointed to be taken by Stat. 13. *Will.*

The 3d Clause of the XXIIId Article approved.

Anno 5 Annæ.
1706.

III. ch. 6. as also an Overture for exempting Persons in any Office or Employment in *Scotland*, from taking the Oath of Abjuration mentioned in the said Article. A third Overture was given in for a Clause, ' That so long as the Act appointing the sacramental Test, shall continue in force in *England*, all Persons in public Trust within the Limits of *Scotland*, shall swear, and sign a Formula thereto subjoined, in manner, and under the Penalty therein mentioned. After reading the said three Overtures, and reasoning thereon, a Vote was stated, Approve of the XXIIId Article of Union as explained, or not. But before voting it was agreed, that notwithstanding of the said Vote, and that the Article should thereby be approved, it should nevertheless be entire and free afterwards, to the Parliament to give their Sentiments thereon. And it being thereupon moved to delay the Vote for approving the Article till next Sitting, a previous Vote was stated, Proceed, or delay, and it was carried Proceed. Then the Vote was put, Approve the XXIIId Article as explained, or not, and it was carried Approve.

The XXIIId
Article approv'd

On the 10th, after reading the Address of *Perth* against an Union, in the Terms of the Articles, the Overture for exempting Persons in any Office or Employment in *Scotland*, from taking the Oath of Abjuration mentioned in the XXIIId Article of the Union, was again read, and after some Reasoning thereon, the Overture was dropped. Then the Overture for an additional Clause to the said XXIIId Article, for explaining the Word *Limitation*, mentioned in the Oath appointed to be taken by 13 *W. III. cap. 6.* was again read, viz. ' Like as it is declared, that by the Word *Limitation*, in the Oath mentioned in the above Article, is only understood, Entail of the Succession, and not the Conditions of Government upon the Successor; and that all Persons of *Scotland*, who may be liable to take the said Oath, swear it in that Sense only.' And, after reasoning thereon, the Vote was put, Add the said Clause, or not, and it was carried, not. Then the third Overture for a Clause to be added to the said XXIIId Article mentioned in the Minutes of the last Sitting, was again read in these Terms, ' And further, it is agreed, that so long as that Part of the 2d Act, *Anno 25. ch. 2d.* appointing a sacramental Test, shall stand, and continue in Force in *England*, all Persons in public Trust, civil or military, within the Limits of *Scotland*, shall swear and sign the the Formula under-written, within six Months after the Commencement of the Union: And all who shall be admitted to any public Trust thereafter, shall, before the exercising their said Office of Trust, swear and subscribe the same, to be administered by the Lords of the Privy Council, or any one of them,

them under the like Penalties and Disabilities, as are provided by the foresaid Act made in the Parliament of *England*.

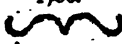
Anno 5th Annæ
1700.

Here follows the *Formula*. ' I A. B. do sincerely and solemnly declare, in the Presence of God, that I own the Presbyterian Government of the Church, as by Law established in *Scotland*, to be a lawful Government of the Church; and that I shall never, directly nor indirectly, endeavour the Subversion thereof, nor any Alteration in the Worship, Discipline, or Government of the said Church, as by Law established: So help me God.' After reasoning thereon, the Vote was put, Add the Clause, or not; and it was carried Not, by a Majority of thirty-five Voices. Then the XXIII^d Article of Union was read, and after reasoning thereon, the further Debate was adjourned till the 13th, when an Overture was given in, for adding a Clause thereto, in these Terms, with this express Provision, ' That none of the Peers of *Scotland* shall have personal Protection within *Scotland*, for any Debt owing before the Commencement of the Union.' As also another Overture for adding a Clause, in these Terms, ' That all the Peers of that Part of *Great Britain* now called *Scotland*, qualified according to Law, shall, after the Union, have Right to sit covered in the House of Peers of *Great Britain*, notwithstanding that the Right to give Vote therein belongs only to the said sixteen Peers, who are to be summoned in the manner appointed by the preceding Article.' After reasoning upon the said two Overtures, and upon two separate Motions, the first in relation to allowing all the Peers of *Scotland* to sit upon the Trial of the Peers of *Brittain* and the other in relation to their Precedency according to their Patents; the Vote was stated in these Terms, Approve the XXIII^d Article of Union, or alter, reserving entire the Consideration of the above two Overtures, and whether the same shall be added to the Article, and it was carried, Approve. Then the first Overture for the Clause, in relation to personal Protection, was again read; and after Debate, it was put to the Vote, Add the Clause, or not; and it was carried, Not. Afterwards the second Overture, or a Clause, in relation to all the Peers of *Scotland*, their sitting covered in the House of Peers of *Great Britain* was again read, and after reasoning, the Vote was put, Add the Clause, or not, and it was carried, Not.

On the 14th the XXIVth Article was read, whereupon a Memorial was given from *Lyon* King of Arms, in relation to his Precedency, which being read, after reasoning, it was moved, that the Rank and Precedency of *Lyon* King of Arms, be left to her Majesty, and next to these Words, in the said Article, viz. (*And that the Quartering the Arms*) these other

The XXIVth
Article read.
Proceedings in
the Bench of
Lyon King of
Arms, &c.

Anno 5 Annæ,
1706.



Words, viz. *And the Rank and Precedency of Lyon King of Arms of the Kingdom of Scotland*, be added. And it being also moved, that his Rank should be likewise inserted in the said Article, to be immediately next after *Garter principal King of Arms in England*: After Debate, it was put to the Vote, Add the above Words, *That the Rank and Precedency be left to her Majesty*, or insert the Rank and Precedency, and it was carried, the Words; which being accordingly added, there was another Clause offered to be added to the XXIVth Article, viz. 'And that the Crown, Scepter and Sword of State, Records of Parliament, and all other Records, Rolls and Registers whatsoever, both public and private, general and particular, and Warrants thereof, continue to be kept, as they are, in that Part of the united Kingdom, now called *Scotland*, and that they shall so remain in Times coming, notwithstanding the Union.' Which being read, the same was agreed to be added, and was accordingly subjoined, and the Article as amended, read over. Then the Vote was put, Approve of the said XXIVth Article, as amended or not, and it was carried Approve. The XXVth Article of Union being read; after reasoning thereon, the Vote was put, Approve of the XXVth Article, or not, and it was carried Approve.

The XXIVth
and XXVth
Articles approved.

Act of Ratification read.

Motion to proceed first to the Constitution of electing Members.

Next Day the Draught of an Act, ratifying and approving the Treaty of Union of the two Kingdoms of *Scotland* and *England*, was given in, and offered to be read; whereupon it was moved, that the Parliament should first proceed, to the Constitution of the manner of electing the Representatives for *Scotland* to the Parliament of *Great-Britain*, and either now to determine that Matter, or to appoint a Day for that end. After Debate the Vote was stated, 'Proceed to the Ratification of the Treaty of Union, and act for Security of the Protestant Religion, and Presbyterian Church-Government, or to the Constitution of the Manner of electing the Representatives for *Scotland* to the Parliament of *Great-Britain*.' But before voting, it was agreed, that in case it should be carried to proceed to the Ratification, the Parliament would immediately, after passing the Act of Ratification, proceed to the Constitution of the Manner of electing the Representatives for *Scotland*. Then the Vote was put, Proceed to the Ratification or Constitution, and it was carried Ratification: After which the Draught of the Act, ratifying, approving, and at length, narrating the Articles of Union, as enlarged, explained and amended, and the Act for Security of the Protestant Religion, and Presbyterian Church-Government was read; and after some Discourse, a first reading marked thereon. On the 16th, the said Act was read

Which is over-
tured in favour
of the Ratifica-
tion.

read a second time; and then the Act for Security of the Protestant Religion, and Presbyterian Church Government, inserted in, and ratified by that Act, was touched with the Royal Scepter, by the Lord High Commissioner. Immediately after this, the following Representation and Petition were presented to the House:

1706.
Act for Security
of the Presby-
terian Church
Government.
passed.

The Representation and Petition of the Commission of the General Assembly of the National Church of Scotland, was presented to the House.

Humbly Shewing,

THAT we, considering the Trust reposed in us by the late General Assembly, find it our Duty to lay before your Grace and Lordships, when, as we are informed, you are about the passing of an Act of Ratification of the Articles of the Treaty of Union betwixt the two Kingdoms of Scotland and England, which contains these following Words; declaring nevertheless, that the Parliament of England may provide for the Security of the Church of England, as they shall think expedient, to take place within the Bounds of the said Kingdom of England, and not derogating from the Security above provided, for establishing the Church of Scotland within the Bounds of this Kingdom, which shall not suspend or derogate from the Force and Effect of this present Ratification, but shall be understood as here included, without any Necessity of any new Ratification in the Parliament of Scotland: Which Clause seems to us, not only to be a Blank, put, with your Grace and Lordship's Consent, in the Hands of the Parliament of England, to enact what they shall think fit, for securing the Hierarchy and Ceremonies of their Church: But also a Consent that it be an Article and Fundamental of the Union; and as it is contained in your Ratification cannot but imply a manifest Homologation.

We do therefore humbly beseech your Grace and Lordships, that there be no such Stipulation, or Consent for the Establishment of that Hierarchy and Ceremonies, as you would not involve yourselves and this Nation in Guilt, and as you consult the Peace and Quiet of this Nation, both in Church and State. We pray, that God may bless and preserve our gracious Queen, and direct your Grace and Lordships in this, and all the great and momentous Affairs, which are, or may be before you.

Signed in the Name, in the Presence, and at the Appointment of the Commission of the late General Assembly, by

Sic subscribitur

Will. Wifhart, Moderator.

Anno 5 Annæ,
1796.

The Act of
Ratification
pass.

After reasoning upon the Act and Representation, the Vote was stated, Approve the Act, or not: But before voting, it was agreed, that the Votes be mark'd, and the *Objection* allowed to be marked, as an Approver. At the same Time, the Duke of *Douglas* gave in a Protestation for his Privilege of the first Vote in Parliament, and took possession thereon; and the Duke of *Hamilton* gave in a Protestation to the contrary. Then the Vote was put, Approve the Act, ratifying and approving the Treaty of Union of the two Kingdoms of *Scotland* and *England*, yea or not; and it was carried Approve, by a Majority of 110 Voices, against 69, and then the Act was touched with the Royal Signet by her Majesty's High Commissioner in the usual Manner.

The manner of
electing Repre-
sentatives of
Scotland settled.

The next Business the *Scotch* Parliament went upon, was the preparing an Act for the settling the manner of electing the sixteen Peers, and forty-five Commons, to represent *Scotland* in the Parliament of *Great-Britain*; which was debated in the Sitzings of the 20th, 21st, 22d, 24th, 27th, 28th, 29th, and 31st instant. On the 22d, an Overture relating to the ways of electing the Representatives for *Scotland*, to the Parliament of *Great-Britain*, was read. And after reasoning thereon, the Vote was put, Whether the 16 Peers, who were to be Representatives for *Scotland*, in the Parliament of *Great-Britain*, should be sent by Rotation or Election; and it was carried, by Election. Then it was moved, that it be considered, what way the Election should be, whether by balloting, or by an open Election: And after Debate thereon, the Vote was put, Whether it shall be by open Election, or balloting; and it was carried by open Election. The 24th it was debated what Proportions the Shires and Boroughs should have, of the 45 Members that were to sit in the House of Commons of *Great-Britain*. And it being proposed, that 30 should be the Number for the Shires, and 15 the Number for the Boroughs, it was put to the Vote, and carried Approve.

The 29th, a Vote was put, if the Burgh of *Edinburgh*, by itself, should have one Representative or not, and it was carried one. Then a Scheme dividing the Burghs into 15 Districts, each of which Districts was to have one Representative, was given in, and read as follows: The Burghs of *Kirkwall*, *Wick*, *Dornock*, *Lingwall* and *Tain*, one; *Forfar*, *Inverness*, *Nairn* and *Forres*, one; *Elgin*, *Cullen*, *Banff*, *Inverury* and *Kintore*, one; *Aberdeen*, *Bervie*, *Montrose*, *Aberbrothock* and *Breichin*, one; *Forfar*, *Perth*, *Dundee*, *Casper* and *St. Andrews*, one; *Cryll*, *Kilreany*, *Austreyburn* *east* and *west*, and *Pittenwee*, one; *Dysart*, *Kirkaldy*, *Kinburne* and *Brant Island*, one; *Inverkeith*, *Dunfermling*, *Stirling*, *Stirry*,

ferry, Culross, and Sterling, one; Glasgow, Renfrew, Rutherglen and Dumbarton, one; Edinburgh, one; Haddington, North Berwick, Dunbar, Lauder and Jedburgh, one; Selkirk, Peebles, Linlithgow, and Lanerk, one; Dumfries, Sanquhar, Anan, Lochmaben, and Kircubright, one; Wigtoun, New-Galloway, Whitburn and Stranraer, one; Aird, Irwin, Rothsey, Cambeltoun and Inverary, one.

This Vote being put, the Scheme was carried, and the Parliament, on the last of this Month, took into Consideration a Motion for allowing the Expence to the Commissioners for the Union, and it was Resolved, that each Nobleman concerned should have 12000 *l. Scotch*, and every other Commissioner 6000; their Secretary 4800 *l.* the three Accomptants 2400 *l.* each, out of the equivalent, *pari passu*, with public Debts, after the *African Company*; but before voting, the Votes were ordered to be printed, and the Lord Archibald Campbell, then made Earl of *Isle*, was allowed his Expences as a Nobleman; It was also carried, that the Commissioners for the Treaty in 1702, should be allowed for their Expences, each Nobleman 500 *l. Sterling*, each Baron 300 *l.* and each Borough 200 *l.* and the Expence was declared to be a public Debt, and referred to a Committee to state the same as such.

Scotch Commissioners, &c. voted their Expences.

For the Articles of Union, together with the Amendments. See CHANDLER'S *Hist. Anno. 3, Anno 1706*, Page 16.

As likewise a very curious State of the Revenues, Debts, &c. of both Kingdoms, as they stood at the Union, Agn'd by the Secretaries of the Commissioners of both Kingdoms. Page 31.

~~~~~

*The PROTEST occasioned by the DEBATE  
on the STATE of the NATION, June  
the 7th, 1734.*

*Dissentient!*

**B**ECAUSE we think the main Question should have been put and passed in the Affirmative, since every Lord who spoke in the Debate agreed, that it was strictly true; and we do not apprehend the least Inconvenience could possibly have arisen from it; but on the contrary, that the stating of the Fact of the manifest Infraction of the Convention, was a necessary Foundation for the subsequent Advice

Anno 14 Geo.  
II. 1740.

Advice of this House to his Majesty, which Advice we think the more necessary, since we are convinced by the Experience of many Years, that the Councils of the Administration, far from procuring any Reparation or Satisfaction for the Insults and Injuries this Nation has received, have only exposed it to further Dishonour and Contempt.

*Chesterfield, Mafham, Carteret, Bathurst, Foley, Litchfield, Suffolk, Boyle, Shaftesbury, COUNTRY, Cobham, Stanhope, Northampton, Strafford, Gower, Aylmer, Westmoreland, Winchelsea and Nottingham.*

*The SPEECH of the Duke of ARGYLE,  
upon the STATE of the NATION;  
April 15, 1740.*

MY LORDS,

THE present Question is of so great Importance, that I could wish that every Lord in this House was to declare his Opinion with the same Sincerity, with the same Unreservedness, which I think is my indispensable Duty to use, when I lay my poor Thoughts before your Lordships. I, my Lords, have no View in speaking upon public Affairs, but to do that Service to my Master and my Country; that I think every Lord in this House ought to aim at, without regarding who takes his honest Endeavours amiss. For my own Part, my Lords, I have, ever since I had the Honour to sit in this House, spoke my Mind with equal Freedom upon all Occasions, and will continue to do it the more sincerely, as I have neither Hopes nor Fears from this Administration, and as few from the next; and, my Lords, so void is my Breast of all partial Considerations, of all interested Views, that I don't care if all my Thoughts were read at *Charing-Cross*; all my Ambition being to be thought a Man who speaks and acts as he thinks; and, my Lords, it has been long my Opinion, that by such a Conduct a Man may even force the Esteem of his Enemies.

I, my Lords, have lived long enough in the World, to be able to compare the once flourishing State of this Country with its present melancholy Situation; I have seen, my Lords, a Time when *Great-Britain* was glorious, triumphant, and terrible Abroad; her Government loved, respected, and envied at Home; when her Enmity was dreaded, and when

when her Alliance was courted. Is there a Subject in this Kingdom, my Lords, who can reflect that these were once the happy Circumstances of this Country, and yet sees the deplorable Alteration which a few Years have made, who will not feel a sensible Concern upon the Comparison, however Self-Interest may alleviate his Grief? I know, my Lords, what has been said in Favour of those who have been the Instruments of bringing this melancholy Change about; I know it has been attributed to Fortune, and to unforeseen Causes. My Lords, I am very sensible that Fortune has very often a very great Hand in Public Events, and that a Nation may suffer a great deal from Events, that no Human Foresight could prevent or guard against; but I am far from thinking that this has been our Case. I am apt to believe, my Lords, that Fortune has been favourable to us, and presented us with many Opportunities of raising the Honour and Interest of this Nation to as high a Pitch as ever, even while they have been suffering the most, but that these Opportunities have been all wantonly slighted and neglected. It is, my Lords, I am afraid, owing to a long Series of Misconduct, to a long Train of weak Measures, unsuccessful and unnatural Expedients, and not to Fortune, that this Nation has suffered so much in her Character and Interest in all the Courts of Europe. A very slight Review, my Lords, of our Conduct for some Years past, may convince any Man of this Truth.

The Treaty of *Utrecht*, my Lords, is a Measure that we have been often told is the Source of all those Inconsistencies that appear in our Conduct for these last five and twenty Years. My Lords, I had the Honour of sitting in this House at that Time, and to have some Share in the Successes that might have entitled us to a much better Treaty; I am very sensible it was not a good Treaty; and when it came to be considered by the House, no Lord spoke with greater Freedom on that Occasion than I did. At the same time, my Lords, my Opposition to that Treaty could not proceed from any Dissatisfaction, from any Ill-will, that I could bear to those who concluded it. I lived on good Terms, nay, had personal Friendships with several who had a large Share in the Negotiations that brought it about; but I opposed it because I thought it might have been better, and because it gave up many Advantages that we might have then justly claimed. But, my Lords, bad as it was, I don't think you have made a better since; and had even the Advantages which the Nation gained by the Treaty of *Utrecht* been improved by the next Ministry, had they made a right Use of their Power in cementing the short-lived Misunderstandings that soon after broke out among our Allies, and thus depriving

Anna 34 Geo.

II. 1740.



Ann 14 Geo.

II. 17<sup>th</sup>.

prising *France* of all the Means of retrieving her Power upon these Differences, you might, notwithstanding all that then happened, have gone on from Glory to Glory, till you had fixed the Balance of Power unalterably in your own Hands.

But, my Lords, the succeeding Ministry took no Warning from the Misconduct of their Predecessors; they took no Care to avoid treading in their Footsteps, tho' the Ruin to which they led was so clearly and so evidently pointed out; they fell into a Train of foolish Negotiations, which disobliged and detached your best Friends from your Interests, and which gave your natural Enemies an Opportunity of retrieving all they had lost. They adopted a Maxim, my Lords, that any, even the most dishonourable Peace, was preferable to a War, and by their inviolable Adherence to this Maxim, they have led you into all that Distredit, I had almost said Scandal, that has come upon you from all Quarters. This Situation, my Lords, is the more dreadful, as it is attended with no Security. We have negotiated ourselves out of all Reputation; and tho' we have been doing nothing, but forming Alliances and making Treaties for these twenty Years past, we have not at this Day one Ally in the World, nor one Treaty that at this Time stands us in any stead. My Lords, I appeal to Facts: Where are your Allies? Have you receiv'd the least Assistance from any Power in *Europe* since you enter'd into this War? or, is there any Appearance of their declaring in your Favour?

Having said thus much, my Lords, upon the general State of the Nation at this Time, I shall now trouble your Lordships with my Opinion as to this particular Question. And here, my Lords, I cannot help declaring, that I think the Words of the Question are extremely proper, and that it is very becoming your Lordships Wisdom and Dignity, while you have the State of the Nation under your Consideration, to enquire into the Particulars which this Resolution comprehends. It consists, my Lords, of two plain undeniable Facts, and one Consequence; therefore I cannot see the least Grounds for supposing with a noble Lord who has spoken in this Debate, that our agreeing to the Resolution can ever reflect the least Dishonour upon the glorious Success at *Porto-Bello*, or that it is a Censure upon the Congratulations which have been presented already to his Majesty on that account. My Lords, Truth will be Truth, whatever Glosses are made to disguise it, and whatever Attempts are made to pervert it. The present Question contains nothing but what every Lord must admit of. The Parts of which it consists, are no way complicated, and must be

be

be understood by every body who takes the Pains to consider the Fact; which, my Lords, is, that, if Admiral Vernon had been furnish'd with a proper Body of Land-Forces, the taking of *Porto-Bello* might have been render'd not only more certain and infallible, but have been attended with greater Consequences to the Nation. My Lords, the noble Lord who made the Motion gave your Lordships no ground for thinking that he meant a Scriptural Infallibility, such an Infallibility as the Church of *Rome* vests in her Popes, by the Words *certain* and *infallible* contain'd in this Motion; no, my Lords, as I understand the Words of the Resolution, they mean no more, than that if Admiral *Vernon* had been furnish'd with Land Forces, it was fifty thousand to one if he had fail'd in his Attack upon *Porto-Bello*; whereas there were many Chances to one against his Success, as he was not furnish'd with them. The Words *certain* and *infallible*, therefore, are here put in Opposition to the Precariousness and Uncertainty he was under in making such an Attack with so trifling a Number. For, my Lords, give me leave to say it, had the *Spaniards* behav'd with Resolution, had they defend'd the Place as well as its Fortifications might have admitted of, Admiral *Vernon* could not have succeeded. And as it was, my Lords, nothing but his own Intrepidity and good Conduct cou'd have prevented his Ships coming very indifferently off; but he acted with the Resolution that became an *English* Admiral; he said, he cou'd take the Place, and he would take it; and, my Lords, it was owing to him, and him only, that it was taken: For it appears that *his* Ship did all the Damage to the *Spaniards*. Now, my Lords, can any Lord doubt, that if Admiral *Vernon* had been properly supported by a sufficient Body of Land Forces, that he might not have attempted greater Matters than the taking and demolishing of *Porto Bello*?

' Having said thus much, my Lords, in Defence of the Facts contain'd in the Question, I come now to the Consequence, which I suppose to have been that Part of the Motion that has given Rise to all this Debate. This Consequence, my Lords, is, that the not sending Land-Forces with Mr. *Vernon* was a Piece of Mismanagement in the prosecuting this just and necessary War. My Lords, who doubts that it was? A noble Lord, who spoke first in the Debate, was pleas'd to say, that a great many things were necessary to be provided, in order to embark any Number of Land Forces for so distant a Voyage. My Lords, it is now a long Time since I serv'd, and it is possible that at my Years I may have forgot a good deal; but, my Lords, I hope, that what I have forgot is amply supply'd by the Experience and Capacity of my Cotemporaries and Fellow-Officers, and that they (several of them, my Lords, sit in

Ann'd 14 Geo.  
II. 1740.

this House) will set me right if I should mistake in any Point. My Lords, I have been a little used to Embarkations, and I do agree with the noble Lord, that the Embarkation of Troops is a very tedious and difficult Matter. But your Lordships will be pleas'd to observe one Distinction which the noble Lord did not make; and that is, my Lords, that there is a great Difference betwixt embarking Horse and Foot. I have had Experience of both, and it certainly is no easy Matter to embark any Number of Horse; but, my Lords, it is by no means so difficult a Matter to embark five or six, or eight thousand Foot. And had such a Number been embark'd at the Time when the Troops were brought over from *Ireland*, my Lords, I make no doubt but by this Time we might have been in the Possession of a Place in the *West-Indies*, which might have paid us for all the Expence of this War, had we kept it. The taking of *Porto-Bello*, my Lords, was a brave Action; it shew'd what an *English* Squadron, if rightly commanded, can do; but had Mr. *Vermon* been at that time furnished with a proper Body of Land-Forces, I don't know how far he might have carried his Conquests. Common Fame reports, that he is now before *Carthagena*, and I wish him all the Success which his Bravery and Conduct deserve: But does any Lord here doubt, that if at this time, supposing him to be before *Carthagena*, he had eight or ten Battalions along with him, that he might not promise himself a much more certain and easy Conquest? Had he eight or ten Battalions on board, my Lords, might he not attempt a Conquest of more Importance to this Nation than even that of *Carthagena* itself. My Lords, I speak of these things according to the Light in which they appear to me: What private Reasons there might be for not sending Land Forces along with that Admiral, I shall not pretend to account for; because I am no otherwise acquainted with the public Transactions, than all the good People of *England* either are or may be.

A noble Duke, who has spoke in this Debate, has said, that the Season of the Year is to be considered, and that the sending Troops into *America* at certain Seasons is attended with the worst Consequences to the Persons of the Men. My Lords, I am extremely sensible of that: and know, that if you send Men from this Kingdom at such a Season, as that they must land in *America* during the unwholesome Months, you send them to their Death. For which Reason, my Lords, when I heard a great deal of Talk about an Expedition, and that we were to send over ten or twelve thousand Men to *America*, in order to take the *Havanna*, or some important Place from the *Spaniards*, I thought it was a very right Measure: But when I heard, that the Troops designed for that Expedition, were to be sent off from *Britain* about the End of *February*, or the Beginning of *March*, I said that it was impossible,

and

and that they must land in *America* at the very Time when the violent Heats and Unwholesomeness of the Climate must kill, at least, one half of them. Therefore, my Lords, I was very glad to hear that this Expedition was delay'd to a more proper Opportunity. But, my Lords, when Admiral *Vernon* sail'd from hence, it was the properest Season in all the Year for sending Men over to *America*; for they must have landed there at the best Time and in the mildest Season of all the Year; so that no Objection of that kind can be brought against our not sending Land-Forces with Mr. *Vernon*. As we did not think proper to send them at that time, my Lords, we lost that Year; and if we shall let the approaching Season pass without sending out the Troops designed for the Expedition that is so much talk'd of, we must lose another Year, and so give the *Spaniards* more Time for fortifying and putting themselves upon their Guard. So that, my Lords, I take it this is a plain Argument why we ought to agree to this Resolution; for if we knew at the Time of Mr. *Vernon's* sailing from hence, that we must lose another Year, in case we did not send the Land-Forces then; to be sure, they who were in the Direction of Affairs were the more inexcusable, as they brought another Year's Expenses upon the Back of the Nation, which is so little able to bear it. For, my Lords, it is there that we can most effectually distress them; it is there that their most sensible Parts lie; and it is only by attacking them there, that we can ever hope to get out of this War with Honour and Advantage.

The same noble Duke was pleas'd to assert, that all had been done that was to be expected on the Coast of Old *Spain*, where we have had a strong Squadron lying for near two Years past. All has been done, my Lords! What single Thing has been done, (except the taking a Ship or two) that could make the *Spaniards* feel that you had a Squadron there? And, my Lords, give me leave to say, a Squadron fitted out at a vast Expence to this Nation; it consisted of more and better Ships than even Sir *John Jennings*, who will always be remembered on those Seas to his immortal Honour, ever had the Command of. It was a stronger Fleet, my Lords, than ever was given to Sir *John Norris*, who certainly, in his Way as a Sea-Officer, is superior to any Man in *Europe*. My Lords, I think the Service upon which Mr. *Haddock* was sent deserved to have been committed to one of your Admirals, the best and ablest Officer in his Majesty's Service; I say this, my Lords, without any Intention to reflect upon any Gentleman who has the Honour to serve his Majesty as a Sea-Officer; I have a great Esteem for all, and no Exceptions to any of them: But, my Lords, as our Reputation was beyond all things to be regarded, especially at the Beginning of this War, I think we ought to have employed those who had Rank and Standing in the Fleet

Anno 14 Geo.  
II. 1740.

Fleet, besides Courage, which every Man is supposed to have ; and this would have, perhaps, given the *Spaniards* to understand that we were in Earnest, as much as any thing, except some vigorous Stroke.

‘ But, my Lords, give me leave to ask what has this great Fleet done ? What Return has the Nation had for all the immense Expences she has been at in fitting it out ? Has it done any thing to retrieve your Honour ? any thing to revenge your Wrongs ? any thing that may answer the great and necessary Purposes for which this War was enter’d into ? No ; the Trade of the Nation has suffer’d vastly in those very Seas where this Fleet lay. The *Spaniards* have indeed been prevented from sending out their Ships ; but at the same Time they have got a great many safely home, notwithstanding the Vigilance of this Fleet of ours. There has nothing been done, my Lords ; and will any Man say that nothing was to be done ? Unexperienc’d as I am in naval Affairs, I could point out several things that might have been done, besides blocking their Ships up in the Bay of *Cales*.

‘ And here, my Lords, I must beg your Lordships Indulgence a little, if I give the House my Sentiments with Regard to that favourite Piece of Service, I mean the blocking up the *Spanish* Fleet in the Bay of *Cales*. I know I am singular in my Opinion on that Head, and I don’t expect that many Lords will be of my Way of Thinking in this Particular ; but, my Lords, I think it was a very useless, ill judg’d Piece of Service : It was a Piece of Service that this Nation had much better been without. I am sorry, my Lords, that I differ with those who gave the Orders in this Respect ; but I think it had been much better that the *Spanish* Fleet had fail’d. For, my Lords, if it had fail’d, we could have followed them to *America*, perhaps overtaken them at open Sea ; in any Event we must have met with them in their *West-Indies* ; and then, my Lords, we could have destroyed or taken them, which would have been a brave and a seasonable Piece of Service to the Nation. Nay, my Lords, if we had had a proper Land-Force on board, we could at the same time have made other Pushes, which could not have failed of being of vast Advantage to this Nation, and putting the Differences betwixt us and *Spain* upon a very short Issue.

‘ But, my Lords, to what purpose has this Fleet been blocking up the *Spanish* Ships all this time in their Harbour ? If I am rightly informed, or if I am to give any Credit to what is very publicly talk’d, that Service has been ineffectual ; for the *Spanish* Ships have escaped. So that, my Lords, we have for two Years, at a vast Expence, been endeavouring to do what we find turns out to no manner of Account, while there were many Services which that Fleet might have performed, that must have put an end to the War in our Favour before this time.

I know

I know, my Lords, it was given out that *Port-Mahon* was in Anno. 14 Geo. Danger, and that our Admiral has failed to prevent any Sur-  
 prize from that Quarter; but when I reflect upon the long  
 time he has now been at Sea, and the Nature of the Seas where  
 he has been lying, I doubt his Ships have been so dreadfully  
 out of order, that he has been obliged to leave his Station.

II. 1740.

From what I have said, your Lordships may see that it is evident, the War on that Quarter has been very ill managed, and Fortune is not to blame; for we have met with no cruel Accidents, no Losses, that have disabled us from performing Services that might have been solid and lasting Advantages to the Nation, besides saving the vast Sums that we have been obliged to expend. I shall not, my Lords, pretend to point out by whose Fault all this has happen'd. I know Admiral *Haddock* to be a very brave, worthy Man, and one who I am sure would, as far as the Force he had with him could reach, perform any Piece of Service for the Honour of his King and Country, that he was sent out on: In short, my Lords, I know him to be a Man, who, as a Sea-Officer, has every good Quality, except that of great Experience in great Command. For all these Reasons, my Lords, when I reflect upon the unactive State he has been in ever since he sailed from *England*; when at the same Time I reflect upon the great Services which it was in his Power to have perform'd, I cannot in Charity but doubt that his Instructions bound up his Hands. There is not, my Lords, a common Sailor that won't tell you, if you ask him, that fifty Things might have been done to annoy the *Spaniards* upon those very Seas.

Having said this much with regard to Admiral *Haddock*, and what has been done in the *Mediterranean*, I shall now take the Liberty to make some Observations upon what a noble Duke has said in Excuse for our not sending a sufficient Number of Troops to the *West Indies*. His Grace took Notice, that when Mr. *Vernon* sailed, the Battalions from *Ireland* had been arrived but two Days, and therefore that they were in a very bad Condition to be shipped on board for such a Voyage. It is very true, my Lords, that it must have been impracticable to have sent these Troops on board at that Time. But what I would be informed of is, Why those Troops from *Ireland* were not sooner brought over? Can it be pretended, that it was uncertain we should enter into a War with *Spain* before that Time? My Lords, I appeal to the Papers upon your Lordships Table, to prove, that, even in the Opinion of our Ministry, the War was then inevitable. I appeal to what passed in this very House, when several Lords, who certainly knew a great deal of what was passing at that Time, declared, that all Speaking and Treating was now at an end, and that then was the Time for Acting. But, my Lords, where could the Harm have been, if, upon even the Suspicion that the Nation was to enter into a War, the

June 14 Geo. these Troops had been brought from *Ireland*? My Lords, the very Letters which *Geraldine* wrote up and down this Kingdom before he went away, don't leave us the least room to question, but that the Ministry, long before that Time, knew that a Rupture with *Spain* was unavoidable.

My Lords, I come now to speak a little with regard to the Management of our Affairs at Land, the Element to which my Services have been mostly confined. And here, my Lords, give me Leave to say, that I must give up all Pretensions to common Sense, if there have not been many wrong Steps taken in the Affairs of the Army, so far as appears to me, since our entering into this War. I am glad of this Opportunity of disclaiming my having any hand in such a Conduct, as I every Day observe; if they who give the Orders shall reap any Honour from their Management, I shall rob them of no Share of it, and I wish them much Joy in it; but at the same time, while that I renounce the Honour, I refuse to have any Part of the Discredit that may arise from the present Measures that are pursued. The noble Duke who spoke in the Debate, said, that he should have looked upon himself as a Traitor to his Prince, if he had advised him to any other Measures than what have been pursued. My Lords, there the noble Duke and I widely differ: Had I had the Honour to have advised his Majesty, I should have been clearly of Opinion, that a Body of 6 or 8000 Men should have been sent out with Mr. *Vernon*, and those too of the best Troops we have. It is owing to Mr. *Vernon's* Courage, my Lords, that he succeeded as he did, and he has been nobly rewarded: He has, my Lords, the very same Reward that was bestowed upon the late Duke of *Marlborough* upon the Victories of *Hochstedt*, *Bamfield*, and *Malplaquet*; and that is, the Addresses of both Houses of Parliament, and of the City of *London*, congratulating his Majesty upon his Success. So that there cannot, my Lords, be greater Honours done to a Subject, than what has on this Occasion been done to that brave, honest Man Mr. *Vernon*; that is the greatest Character that I can give any Man; and that Character I know he deserves. But, my Lords, no Officer in the King's Service has for some Years made so little a Figure in his Way, as this gallant Admiral has done. I cannot say what this is owing to; but his present Glory makes him ample Amends for all his late Obscurity. And, my Lords, give me Leave here to observe, that a vast Encouragement it is for all his Majesty's Officers to do their Duty, when they reflect, that their Success procures them the greatest Rewards and Honours.

\* My Lords, I am far from believing the Gentlemen of the Navy, when they tell us, that their Ships are a sufficient Guard

to our Coasts, and that we can by means of them prevent all *Invasions*. I do admit, my Lords, that the *French* may take an Opportunity to throw over 10 or 12000 Men here, and that our Ships can't prevent their Landing; but, my Lords, tho' we had sent out ten Battalions with Mr. *Vermon*, we still had 18,000 Men left to guard the Nation; and these must have been an Over-match for any Number of Men the *French* could have landed here. All the Number, my Lords, which they can throw over to this Country, before our Fleet can come to our Assistance, are so inconsiderable, that their Landing would deserve the Name of a *Surprize*, rather than of an *Invasion*.


Anno 14 Oct.  
II. 1740.

‘ Let us suppose the worst, my Lords, and that we had been invaded with a greater Number, our 18,000 Men must still have made Head against them; and I dare say, it could have been no difficult Thing for the Government to have raised Recruits as many as they could have Occasion for.

‘ But, my Lords, I cannot for my Life conceive what should tempt *France* to invade you; she has at the Head of her Councils a Minister who knows how to make Peace, and how to make War, and both equally to the Honour of his Country. If that Minister, my Lords, entertains any Designs to the Prejudice of this Nation, he will never invade us while he has us in the very Situation he could wish for. We are now paying great Fleets, great Armies, my Lords; we have been paying them for some Years past, and all to no Purpose. This plays the Game of *France*, if she has a Design to break with you, more effectually than any Invasion can do, while the Nation reaps no Advantage from the vast Expence she is at. My Lords, I am afraid we are now suffering more, than if she were actually at War with us: We, from Year to Year, keep up useless Armaments by Sea and Land, which must ruin our Finances; and Finances, my Lords, are the Blood and Sinews of War.

‘ The noble Duke took Notice, that our agreeing to this Resolution looked like passing a Censure upon what we had already congratulated his Majesty for. No, my Lords, I see no Reason for viewing it in that Light. It is very possible, that this House may approve of one Step, and disapprove of the rest, and I believe there are many Precedents of it. The noble Duke likewise said, that the infamous Libels which are daily published against the Government, are a proper Consideration for this House, when we are upon the State of the Nation. My Lords, I have Occasion to see a good many Papers wrote upon public Affairs upon both Sides of the Question. My Opinion of them, my Lords, is, that on one Side they are weak, scurrilous, void of Reasoning, and never can be accused of Wit: On the other Side, they are wrote with at least a Shew of Reasoning and Argument, and with a regard to good Sense




 Anne 14 Geo.  
 II. 1740.

Sense and good Manners. And, my Lords, it is notorious, that in the Papers of the former, some of the greatest Characters in the Nation have been attacked and blackened: So that an Enquiry of that kind would, I believe, come out no way in favour of those who write for the Administration.

‘ Upon the whole, my Lords, I don’t see the least Inconveniency that can attend your Lordships agreeing to the Resolution: To me it contains nothing but a plain demonstrable Fact; and all the Arguments I have heard against it have rather confirmed me in favour of it. I see no Reason why your Lordships should be in any pain about agreeing to a Thing that can affect but a very few, and may occasion the future Management of this War to be put upon a more sure and advantageous Footing for this Nation than it has hitherto been. I am persuaded, my Lords, that if the Thing that is censured in this Resolution had been properly provided against, we should have by this Time brought our Enemies very low, and have either obliged those who are neuter to be our very good Friends, or to declare themselves in such a manner as might put us upon our Guard, and let us know what we are to expect. My Lords, I ask your Lordships Pardon for having troubled you thus long, but I thought the Importance of the Occasion required it. I shall conclude with declaring, that I am for agreeing to the Motion.’

It was nevertheless carried in the Negative.

## F I N I S.



## E R R A T A.

VOL. I. **P**AGE 64, read *Hutton*. 221, *Scroggs*. 247. for *House* read *Throne*. 332, in the Side Notes, read *Meeting*. 351, *Decline*. 354, read *Ought not to be punished*.

VOL. II. Page 21, in the Notes, read *Suspension*. 125, for *Negative*, read *Affirmative*. 430, l. 23, after the Word *Molestation*, read *The Dissenters are so far from enjoying the like Toleration, that, &c.*

VOL. V. Page 92, for *Harrington*, read *Hinton*.

0000  
0001  
0002  
0003  
0004  
0005  
0006  
0007  
0008  
0009  
0010  
0011  
0012  
0013  
0014  
0015  
0016  
0017  
0018  
0019  
0020  
0021  
0022  
0023  
0024  
0025  
0026  
0027  
0028  
0029  
0030  
0031  
0032  
0033  
0034  
0035  
0036  
0037  
0038  
0039  
0040  
0041  
0042  
0043  
0044  
0045  
0046  
0047  
0048  
0049  
0050  
0051  
0052  
0053  
0054  
0055  
0056  
0057  
0058  
0059  
0060  
0061  
0062  
0063  
0064  
0065  
0066  
0067  
0068  
0069  
0070  
0071  
0072  
0073  
0074  
0075  
0076  
0077  
0078  
0079  
0080  
0081  
0082  
0083  
0084  
0085  
0086  
0087  
0088  
0089  
0090  
0091  
0092  
0093  
0094  
0095  
0096  
0097  
0098  
0099  
0100  
0101  
0102  
0103  
0104  
0105  
0106  
0107  
0108  
0109  
0110  
0111  
0112  
0113  
0114  
0115  
0116  
0117  
0118  
0119  
0120  
0121  
0122  
0123  
0124  
0125  
0126  
0127  
0128  
0129  
0130  
0131  
0132  
0133  
0134  
0135  
0136  
0137  
0138  
0139  
0140  
0141  
0142  
0143  
0144  
0145  
0146  
0147  
0148  
0149  
0150  
0151  
0152  
0153  
0154  
0155  
0156  
0157  
0158  
0159  
0160  
0161  
0162  
0163  
0164  
0165  
0166  
0167  
0168  
0169  
0170  
0171  
0172  
0173  
0174  
0175  
0176  
0177  
0178  
0179  
0180  
0181  
0182  
0183  
0184  
0185  
0186  
0187  
0188  
0189  
0190  
0191  
0192  
0193  
0194  
0195  
0196  
0197  
0198  
0199  
0200  
0201  
0202  
0203  
0204  
0205  
0206  
0207  
0208  
0209  
0210  
0211  
0212  
0213  
0214  
0215  
0216  
0217  
0218  
0219  
0220  
0221  
0222  
0223  
0224  
0225  
0226  
0227  
0228  
0229  
0230  
0231  
0232  
0233  
0234  
0235  
0236  
0237  
0238  
0239  
0240  
0241  
0242  
0243  
0244  
0245  
0246  
0247  
0248  
0249  
0250  
0251  
0252  
0253  
0254  
0255  
0256  
0257  
0258  
0259  
0260  
0261  
0262  
0263  
0264  
0265  
0266  
0267  
0268  
0269  
0270  
0271  
0272  
0273  
0274  
0275  
0276  
0277  
0278  
0279  
0280  
0281  
0282  
0283  
0284  
0285  
0286  
0287  
0288  
0289  
0290  
0291  
0292  
0293  
0294  
0295  
0296  
0297  
0298  
0299  
0300  
0301  
0302  
0303  
0304  
0305  
0306  
0307  
0308  
0309  
0310  
0311  
0312  
0313  
0314  
0315  
0316  
0317  
0318  
0319  
0320  
0321  
0322  
0323  
0324  
0325  
0326  
0327  
0328  
0329  
0330  
0331  
0332  
0333  
0334  
0335  
0336  
0337  
0338  
0339  
0340  
0341  
0342  
0343  
0344  
0345  
0346  
0347  
0348  
0349  
0350  
0351  
0352  
0353  
0354  
0355  
0356  
0357  
0358  
0359  
0360  
0361  
0362  
0363  
0364  
0365  
0366  
0367  
0368  
0369  
0370  
0371  
0372  
0373  
0374  
0375  
0376  
0377  
0378  
0379  
0380  
0381  
0382  
0383  
0384  
0385  
0386  
0387  
0388  
0389  
0390  
0391  
0392  
0393  
0394  
0395  
0396  
0397  
0398  
0399  
0400  
0401  
0402  
0403  
0404  
0405  
0406  
0407  
0408  
0409  
0410  
0411  
0412  
0413  
0414  
0415  
0416  
0417  
0418  
0419  
0420  
0421  
0422  
0423  
0424  
0425  
0426  
0427  
0428  
0429  
0430  
0431  
0432  
0433  
0434  
0435  
0436  
0437  
0438  
0439  
0440  
0441  
0442  
0443  
0444  
0445  
0446  
0447  
0448  
0449  
0450  
0451  
0452  
0453  
0454  
0455  
0456  
0457  
0458  
0459  
0460  
0461  
0462  
0463  
0464  
0465  
0466  
0467  
0468  
0469  
0470  
0471  
0472  
0473  
0474  
0475  
0476  
0477  
0478  
0479  
0480  
0481  
0482  
0483  
0484  
0485  
0486  
0487  
0488  
0489  
0490  
0491  
0492  
0493  
0494  
0495  
0496  
0497  
0498  
0499  
0500  
0501  
0502  
0503  
0504  
0505  
0506  
0507  
0508  
0509  
0510  
0511  
0512  
0513  
0514  
0515  
0516  
0517  
0518  
0519  
0520  
0521  
0522  
0523  
0524  
0525  
0526  
0527  
0528  
0529  
0530  
0531  
0532  
0533  
0534  
0535  
0536  
0537  
0538  
0539  
0540  
0541  
0542  
0543  
0544  
0545  
0546  
0547  
0548  
0549  
0550  
0551  
0552  
0553  
0554  
0555  
0556  
0557  
0558  
0559  
0560  
0561  
0562  
0563  
0564  
0565  
0566  
0567  
0568  
0569  
0570  
0571  
0572  
0573  
0574  
0575  
0576  
0577  
0578  
0579  
0580  
0581  
0582  
0583  
0584  
0585  
0586  
0587  
0588  
0589  
0590  
0591  
0592  
0593  
0594  
0595  
0596  
0597  
0598  
0599  
0600  
0601  
0602  
0603  
0604  
0605  
0606  
0607  
0608  
0609  
0610  
0611  
0612  
0613  
0614  
0615  
0616  
0617  
0618  
0619  
0620  
0621  
0622  
0623  
0624  
0625  
0626  
0627  
0628  
0629  
0630  
0631  
0632  
0633  
0634  
0635  
0636  
0637  
0638  
0639  
0640  
0641  
0642  
0643  
0644  
0645  
0646  
0647  
0648  
0649  
0650  
0651  
0652  
0653  
0654  
0655  
0656  
0657  
0658  
0659  
0660  
0661  
0662  
0663  
0664  
0665  
0666  
0667  
0668  
0669  
0670  
0671  
0672  
0673  
0674  
0675  
0676  
0677  
0678  
0679  
0680  
0681  
06

Table 1



